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July 18, 2014

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FEDERAL ELECTION
COMMISSION

MUR 6846

Federal Election Commission
Office of Complaints Examination and Legal Administration
Attn: Frankie Hampton, Paralegal
999 E Street, NW
Washington, DC 20436

Dear Ms. Hampton:

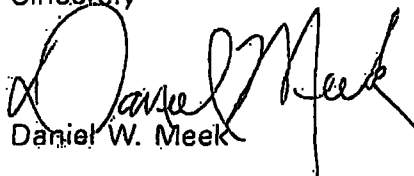
On July 7, 2014, DeFazio for Congress received from the Federal Election Commission (FEC) a letter conveying a complaint filed with FEC by Art Robinson, who is Peter DeFazio's major party opponent in the 2014 general election (and was such also in the 2010 and 2012 general elections). The attached Response of Defazio for Congress to Complaint of Art Robinson answers the allegations.

The allegations about the billboard disclaimers appear to be the only allegations of violation of federal elections law and/or FEC rules in the Complaint. The facts about the billboard disclaimers were addressed in a sworn declaration of Peter DeFazio, dated November 5, 2012, and filed in *Robinson v. Defazio*, Josephine County [Oregon] Circuit Court Case No. 12CV1144. The declaration is an attachment to the Response filed today. Peter DeFazio prevailed in that case, as Art Robinson's complaint there was dismissed.

The Complaint also contains numerous other allegations by Art Robinson against Peter DeFazio and DeFazio for Congress, none of which constitute a violation of federal election laws or FEC rules. Most of those allegations have been refuted in the sworn declaration of Peter DeFazio referenced above, but some of them are new and are addressed in the Response.

Also enclosed is a signed Statement of Designation of Counsel for DeFazio for Congress, designating undersigned counsel, Daniel Meek, as its counsel in this matter.

Sincerely


Daniel W. Meek



FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Entity/Treasurer
FAX (202) 219-3923

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RECEIVED
FEDERAL ELECTION
COMMISSION

MUR # 6846

NAME OF COUNSEL: Daniel Meek

FIRM: Daniel Meek, Attorney

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The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

7/16/2014

Date

[Signature]
Respondent/Agent Signature

[Signature]
Title (Treasurer/Candidate/Owner)

NAMED RESPONDENT: Defazio for Congress

MAILING ADDRESS: PO Box 1316, Springfield, OR 97477
(Please Print)

TELEPHONE- HOME ()

BUSINESS (541) 485-1622

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation

**RESPONSE OF DEFAZIO FOR CONGRESS
TO COMPLAINT OF ART ROBINSON**

MUR 6846

July 18, 2014

On July 7, 2014, DeFazio for Congress received from the Federal Election Commission (FEC) a letter conveying a complaint filed with FEC by Art Robinson, who is Peter DeFazio's major party opponent in the 2014 general election (and was such also in the 2010 and 2012 general elections), and his son, Noah.¹

The cover declaration of Noah Robinson contains no allegations of any fact that would constitute a violation of federal elections laws or FEC rules. It does contain a series of false statements alleging that Peter DeFazio "has in the past - through the Democrat Party - filed at least two FEC complaints with multiple claims against [sic] us." In fact, Peter DeFazio has filed zero complaints against Art Robinson or his campaigns. A search of the FEC "Enforcement Query System" database shows a total of 2 complaints, both filed in 2010, against Art Robinson, "Art Robinson for Congress," and others. Neither of them was filed by Peter DeFazio or DeFazio for Congress. Noah Robinson also alleges, without evidence, that "DeFazio has caused false complaints to be filed against us with the Secretary of State of Oregon" but fails even to identify those alleged complaints.

Noah Robinson also incorrectly describes the outcome of *Robinson v. Defazio*, Josephine County [Oregon] Circuit Court Case No. 12CV1144, a lawsuit filed by Art Robinson in October 2012 against Peter DeFazio (in his personal capacity), seeking an award of damages in excess of \$2 million. The Circuit Court dismissed the case, because Robinson's claims about billboard disclaimers were preempted by federal law and because Robinson's numerous other claims could not withstand Oregon's anti-

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1. It is not entirely clear whether the complaint was filed by Art Robinson or by his son, Noah Robinson. The document we received, stamped MUR #6846, is a cover declaration by Noah Robinson accompanied by a document, dated May 30, 2014, by Art Robinson entitled "Complaint Against Peter DeFazio for failure to properly identify campaign materials with required disclaimers." We refer to it as the "Robinson Complaint."

SLAPP procedure, which requires a plaintiff to show some chance of prevailing on the merits.² A true copy of the Circuit Court's letter opinion is attached to this response.

The "Complaint Against Peter DeFazio by Art Robinson" [hereinafter "Robinson Complaint"] also contains many false accusations against Peter DeFazio and DeFazio for Congress. This response addresses primarily the allegations regarding the disclaimers on the DeFazio for Congress billboards displayed during the 2010 and 2012 campaigns for U.S. Representative for the Fourth District of Oregon, as only those allegations, if true, could theoretically constitute a violation of federal election laws or FEC rules.

The Website WhoisArtRobinson.com

The Robinson Complaint (pp. 3-4) complains that DeFazio presented a "web site that viewers were led to believe was Robinson's, but where Robinson was falsely portrayed." The Robinson Complaint contains no proof and not even any allegations of any specific false or misleading statement on the website. Nor does it allege any resulting violation of any federal election law or FEC rule.

The attached Declaration of Peter DeFazio in Support of Special Motions (November 5, 2012), filed in *Robinson v. Defazio*, Josephine County [Oregon] Circuit Court Case No. 12CV1144 [hereinafter "DeFazio Declaration"], shows:

1. The website prominently featured the name and photograph of Peter DeFazio and could not reasonably have led viewers to believe that the website belonged to Robinson.
2. The website prominently displayed a "Paid for by Peter DeFazio for Congress" disclaimer.

See DeFazio Declaration, ¶ 10 & Exhibit W.³

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2. SLAPP is an acronym for "Strategic Litigation Against Public Participation," a term coined in an influential law review article. Canan & Pring, *Studying Strategic Lawsuits Against Public Participation: Mixing Quantitative and Qualitative Approaches*, 22 LAW & SOC'Y REV 385 (1988).
 3. The attached DeFazio Declaration includes its Exhibits A-X. Its Exhibit Y consists of 3 large media files that are described by the DeFazio Declaration, ¶¶ 17, 18, 22. Those files are available upon request.

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The Robinson Complaint then refers to alleged "polls taken by Robinson in 2012." When these alleged polls were referenced by Robinson in *Robinson v. DeFazio*, Robinson failed to produce them. Nor, even if they existed, do they show any violation of any law or rule.

The Internet Cartoon Videos

The Robinson Complaint (pp. 3-4) claims that "DeFazio produced cartoon videos of the Internet with purported direct quotes from Robinson that were entirely fabricated by DeFazio -- statements Robinson has never made and would never make."

In fact, there was one cartoon video, and all of the statements in it were either verbatim quotations from Robinson or very accurate paraphrases thereof. See DeFazio Declaration, ¶¶ 24-25 & Exhibit W.⁴

The Robinson Complaint contains neither proof nor even allegation of any specific false or misleading statement in the cartoon videos, nor any violation of federal election laws or FEC rules.

Content of the Billboards

The Robinson Complaint (p. 4) alleges that billboards displayed by DeFazio for Congress falsely attributed one statement to Robinson, that he said that "Energy company CEO's shouldn't pay taxes." The truth of that (and of all other statements displayed on the DeFazio for Congress billboards) is shown by the DeFazio Declaration, ¶¶ 9-19. The Robinson Complaint fails to prove any falsehood or to prove or even allege any violation of federal election laws or FEC rules.

In Robinson's Newsletter, *Access to Energy*, Vol 34, No. 4, November 2006, under the major headline "Energy and Freedom," Robinson wrote:

*Every tax, regulation, law or other impediment that currently inhibits energy-producing industry should immediately be abolished and no new such tax, law or regulation should be created until the total flow of useful energy across the borders of the United States is outward. * * **

4. The DeFazio Declaration, ¶ 24, states that the cartoon "Mr. Robinson's Neighborhood" is available at a website address. The correct website address for it is <http://www.defazioforcongress.org/2012/08/15/video-mr-robinsons-neighborhood>.

Simultaneously, and for the same period of time, all local, state and federal taxes should be waived for all persons employed in the energy industries and these industries should operate with no government oversight whatever.

DeFazio Declaration, ¶ 11 & Exhibit B. It was entirely accurate to state that Robinson advocated that "Energy company CEOs shouldn't pay taxes." An energy company CEO is certainly a person "employed in the energy industries," and Robinson specifically wrote that "all local, state and federal taxes should be waived for all persons employed in the energy industries."

As for the allegation that DeFazio intended voters to believe that the billboards had been erected by the Art Robinson campaign, the Robinson Complaint identifies no potential violation of federal law or FEC rule. Nor does it offer any evidence or even any rationale for DeFazio to have desired that outcome.

Further, Robinson's theory that the DeFazio campaign wanted voters to think that Robinson erected those billboards ("Art Robinson is even advertising crazy ideas himself," Complaint, p. 9) lacks any factual or logical basis. Robinson fails to offer the testimony of even one person who came to that conclusion. There is no evidence that any person, reasonable or not, decided to vote against him or held him in contempt as a doltish campaign strategist for that reason.

There would need to be some person who approved of Robinson's views (but "knew" a majority of voters would find these views unpalatable) and then concluded the candidate was a fool for proclaiming his actual views to voters in the District by means of the billboards. This disgruntled supporter would have to be sophisticated enough to analyze voter sentiment about Robinson's views and know that most voters would disagree with those views, while also being gullible enough to leap to the conclusion that Robinson was the sponsor of the billboards just because his picture and name were prominent on them.

Robinson contends that viewers of the billboards would conclude that Robinson himself (1) placed the billboards and (2) thereby committed a strategic error in his campaign (by presenting his actual, unpopular, views to the voters). Is there really someone who entertained the following train of thought?

1. I respected Art Robinson for his actual views and thought him a gifted campaign strategist;
2. I saw billboards with Robinson's actual views (such as "Public schools should be abolished");

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3. I realized the billboards stated views that most voters in the District would find unappealing;
 4. I concluded the billboards thus harmed the candidacy of Art Robinson;
 5. I concluded that the billboards were erected by Art Robinson, only because I saw only one of the three billboards that temporarily did not have the "Paid for by Peter DeFazio for Congress" disclaimer and did not see one of the similar or identical billboards with the disclaimer; and
 6. I was so struck by the notion that Art Robinson committed a strategic error by erecting billboards stating his own unpopular views on issues that I concluded that Art Robinson is a "pathological nut job."

Where is this person who could hold all of the above beliefs? Maintaining the above beliefs would require the person to be simultaneously a political sophisticate and a political novice. Beliefs #3 and #4 above require a political sophisticate, one who has analyzed the views of most voters in the District. But Belief #5 requires a political novice, who believes that Art Robinson erected the billboards damaging to his own candidacy. The belief after #5 depends upon #5.

How could a person sophisticated enough to draw conclusions #3 and #4 then suddenly become so naive as to draw conclusion #5? Robinson has not produced the declaration of even one person who claims to have (1) agreed with Art Robinson on the issues, (2) thought that the billboards were placed by Robinson, and (3) therefore voted against Robinson or held him in low esteem for making a blunder in political strategy.

The Billboard Disclaimers

The Robinson Complaint (p. 5) claims that "DeFazio put up billboards with deliberately unreadable disclaimers." The Robinson Complaint then refers to alleged photographs of the billboards. The photographs are of poor quality and do not even legibly show the large primary text of some of the billboards. On each of the first four photos, the disclaimer "PAID FOR BY PETER DEFAZIO FOR CONGRESS" appears in the lower left corner.

The artwork for those billboards is included as Exhibits A, D, E, F, and G to the DeFazio Declaration. The disclaimers fully complied with all laws and rules pertaining to color, size, and readability. The applicable rule states:

11 CFR § 110.11 - Communications; advertising; disclaimers (2 § USC 441d).

(c) Disclaimer Specifications--

(1) Specifications for all disclaimers. A disclaimer required by paragraph (a) of this section must be presented in a clear and conspicuous manner, to give the reader, observer, or listener adequate notice of the identity of the person or political committee that paid for and, where required, that authorized the communication. A disclaimer is not clear and conspicuous if it is difficult to read or hear, or if the placement is easily overlooked.

(2) Specific requirements for printed communications. In addition to the general requirement of paragraphs (b) and (c)(1) of this section, a disclaimer required by paragraph (a) of this section that appears on any printed public communication must comply with all of the following:

(i) The disclaimer must be of sufficient type size to be clearly readable by the recipient of the communication. A disclaimer in twelve (12)-point type size satisfies the size requirement of this paragraph (c)(2)(i) when it is used for signs, posters, flyers, newspapers, magazines, or other printed material that measure no more than twenty-four (24) inches by thirty-six (36) inches.

(ii) The disclaimer must be contained in a printed box set apart from the other contents of the communication.

(iii) The disclaimer must be printed with a reasonable degree of color contrast between the background and the printed statement. A disclaimer satisfies the color contrast requirement of this paragraph (c)(2)(iii) if it is printed in black text on a white background or if the degree of color contrast between the background and the text of the disclaimer is no less than the color contrast between the background and the largest text used in the communication. The Commission may take notice of the facts that in typography, type size is measured in "points," which are the unit of measurement for the height the characters (from top of the highest ascending stroke to the bottom of the descending stroke). In the United States, a point is 1/72 of an inch.

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(Traditionally, the point size does not include what is termed "leading," which is the space between lines.)

A. Black on White Printing Satisfied the Contrast Requirement.

The black on white printing of the disclaimers on the DeFazio billboards "satisfies the color contrast requirement of this paragraph (c)(2)(iii) if it is printed in black text on a white background." 11 CFR 110.11(c)(2)(iii).

B. The Type Size was Far Larger than Readable.

The Commission may take notice of the facts that in typography, type size is measured in "points," which are the unit of measurement related to the height the characters (from top of the highest ascending stroke of capital letters to the bottom of the descending stroke). In the United States, a point is 1/72 of an inch, so 12-point type would be 1/6 of an inch high. Thus, the rule deems readable a disclaimer with letters 1/6 of an inch high on a poster of up to 24 inches by 36 inches in size. Assuming that the vertical dimension is the smaller, 24-inch size, that means that the disclaimer itself must occupy 1/144 of the poster's vertical size (0.7%).

Measurement of Exhibits A, D, E, F, and G accompanying the DeFazio Declaration indicate that the disclaimers occupy about 6% of the vertical space of the billboards, which is more than 8-fold larger than the equivalent of 12-point type.

It is apparent that the DeFazio billboard disclaimers use much more than 1/144 of the vertical dimension of the billboards. The billboards in question varied somewhat in size. The Sutherlin and Albany billboards were 49' x 13'. The Roseburg billboard was 49' x 15'. The Coos Bay billboard was 31' x 11'. Assuming the largest size, the disclaimer type would need to be 1/144 of 13' (or 156 inches), which is equal to 1.083 inch. The height of the disclaimers on the DeFazio billboards was at least 10 inches, more than 9 times larger.

C. The Temporary Absence of Disclaimers on 3 Billboards was Quickly Remedied.

As for the temporary absence of the disclaimer on 3 billboards, the DeFazio Declaration documented that its absence on the Sutherlin billboard was caused by CBS Outdoor Media, which erred in failing to include the disclaimer. When DeFazio for Congress learned of the omission on October 21, 2012, CBS Outdoor acknowledged its error and immediately printed the disclaimer statement and affixed it to the billboard.

The disclaimer was also immediately added to the 2 electronic billboards near Corvallis on October 22, 2012, where its absence had been caused by a campaign design vendor, Bell and Funk. See DeFazio Declaration ¶¶ 26-28 & Exhibits F, G, N, and O.

Thus, any violation of disclaimer requirements was inadvertent and, when discovered, was promptly remedied.

The 2012 Congressional Voter Guide distributed by DeFazio for Congress

The Robinson Complaint (pp. 9-10) complains that "2012 Congressional Voter Guide" distributed by DeFazio for Congress DeFazio was "designed to look like it was an independent (almost government official) voter's guide" and that it contained "deliberate misrepresentations of Art Robinson's positions."

The Robinson Complaint here alleges no violation of federal election laws or FEC rules and even admits that the Voter Guide does not violate FEC rules. The Robinson Complaint does not even identify, much less prove, any deliberate or non-deliberate misrepresentation of any position of Art Robinson. The Robinson Complaint again refers to the alleged poll that Robinson never produced in *Robinson v. DeFazio*. It then complains that the photo of Art Robinson in the Voter Guide was unflattering, citing no law or rule that requires a campaign to publish only flattering photos of an opposing candidate.

Alleged Use of DeFazio Campaign Organization for Personal Purposes and Contributions to DeFazio's Campaign through his Lawyers

The Robinson Complaint (pp. 12-14) also incorrectly describes the outcome of *Robinson v. Defazio*, Josephine County [Oregon] Circuit Court Case No. 12CV1144, the lawsuit filed by Art Robinson in October 2012 against Peter DeFazio (in his personal capacity), seeking an award of damages in excess of \$2 million. As noted above, the Circuit Court dismissed the case, because Robinson's claims about billboard disclaimers were preempted by federal law and because Robinson's numerous other claims could not withstand Oregon's anti-SLAPP procedure, which requires a plaintiff to show some chance of prevailing on the merits. The Circuit Court did not "recommend[] an FEC complaint be filed," as Robinson claims.

The Robinson Complaint furnishes the Attorney Retainer Agreement between Peter DeFazio and attorneys Daniel Meek and Linda Williams and makes the absolutely false statement that it was "a contract between 'Peter DeFazio for Congress'

and these attorneys. The Attorney Retainer Agreement clearly specifies that the parties are the Client "Peter DeFazio" and the Attorneys (Daniel Meek and Linda Williams). Robinson's assertion regarding representation of the DeFazio for Congress committee is utterly false. It also has no consequence in this matter.

Robinson then alleges that, solely because that agreement specified the address of the DeFazio for Congress campaign as the address for the parties to use for contact among themselves, attorneys Meek and Williams must have been contracting to represent DeFazio for Congress instead of Peter DeFazio, the individual. Whatever contact information a person chooses for delivery of mail has no relationship to who is bound by one's own signature on a contract. DeFazio for Congress was not a named party in Robinson's lawsuit. The claim that Peter DeFazio signed the Retainer on behalf of an entity which did not need representation and was not a party to the Retainer (or the lawsuit to which it refers) is ridiculous on its face. As the Robinson Complaint itself notes, the lawsuit was filed against Peter DeFazio, the individual.

The Robinson Complaint (p. 13) then claims that "these attorneys demanded that 'DeFazio for Congress' be added to the lawsuit as a defendant." This false statement reflects a lack of comprehension of the judicial process. Among the defenses presented by the attorneys to Robinson's lawsuit against Peter DeFazio, the individual, was that Robinson had sued the wrong person. Specifically:

Plaintiff [Robinson] has not alleged, nor can he offer substantial evidence under these pleadings, that Peter Defazio has injured him. All of the complained-of acts were conduct undertaken by the Defazio for Congress Committee. In Oregon a plaintiff must plead facts to support a claim. ORCP 18. There are no facts alleging any actions by the individual, Peter DeFazio, giving rise to tort liability. See, for example, *Fearing v. Bucher*, 328 Or 367, 373 (1999), setting out theory of liability based on *respondeat superior*. Thus, Plaintiff cannot show a probability of succeeding on any claim against this Defendant, so the Special Motion against all claims should be granted on that basis. *Vogel v. Felice, supra*, 127 CalApp4th 1006 at 1019.

Memorandum in Support of Defendant DeFazio's Special Motions to Dismiss (November 7, 2012), Josephine County Circuit Court No. 12CV1144. By showing that Robinson had sued the wrong person, Peter DeFazio did not demand that any person or entity be added as a defendant in Robinson's lawsuit. Nor did his attorneys. Nor were they "asserting a claim against 'DeFazio for Congress,' as the Robinson Complaint (p. 14) asserts.

Robinson then filed an Amended Complaint on November 29, 2012, that included DeFazio for Congress as a defendant. But he never served that complaint upon DeFazio for Congress, and the Circuit Court in *Robinson v. DeFazio* dismissed it. So DeFazio for Congress was never a party in *Robinson v. DeFazio*.⁵

The Robinson Complaint (pp. 13-14) then offers an incomprehensible theory that somehow Peter DeFazio hired attorneys Meek and Williams to work against DeFazio for Congress. That theory is baseless, as DeFazio for Congress had no liability in *Robinson v. DeFazio* and, as shown above, was never even a party in the case. And the case was litigated as if Peter DeFazio himself had full responsibility for all of the transgressions alleged by Robinson. The Circuit Court simply rejected all of Robinson's claims, and Robinson did not appeal the decision on the merits. He did later file a cross-appeal to the award of attorney fees against him, and that cross-appeal remands pending at the Oregon Court of Appeals.

The Robinson Complaint also tries to find some offense in the fact that Daniel Meek and Linda Williams are active in the Independent Party of Oregon. Whatever that offense may be is a mystery.

The Robinson Complaint (p. 13) then offers further incomprehensible alleged facts, contending that some "line in the contract had been left blank." We do not know what contract Robinson is referring to; perhaps he means the Attorney Retainer Agreement, but we see no blank lines there.

As the Robinson Complaint also notes, the attorneys agreed to accept compensation in the form of awards of attorney fees by the courts, upon providing to the client a successful defense. Attorneys agreed to receive compensation under the double contingencies of ultimate success and acceptance of court-awarded attorney fees. The Attorney Retainer Agreement is a contingency fee agreement. It is neither a *pro bono* agreement nor some kind of voluntary undertaking by partisan zealots. It is a form of retainer routinely used by Williams. See the attached Second Declaration of Linda K. Williams in Support of Statement of Attorney Fees and Costs (July 10,

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5. On December 27, 2012, the Circuit Court issued a Notice/Judgment of Dismissal (Lack of Prosecution), requiring Robinson to show cause why the case should not be dismissed as to all defendants (other than Peter DeFazio) for lack of proof of service of the complaint. Art Robinson on March 25, 2013, filed Plaintiff's Ex Parte Motion for Entry of Limited Judgment, in which he asked the Circuit Court to dismiss all of his claims against DeFazio for Congress and admitting, "DeFazio for Congress Committee and John Does 1 and 3 have not been served with summons or complaint."

2013), ¶ 7 & Exhibit FF. The Circuit Court in this case did award attorney fees to the attorneys, to be paid by Robinson.

Ultimately, it appears that Robinson's contention (p. 14) is that the attorneys somehow made unlawful excess campaign contributions to DeFazio for Congress merely by undertaking actions to attack DeFazio for Congress on behalf of Peter DeFazio. This literally makes no sense. And representing an individual confronted with a lawsuit demanding from him \$2 million, on the same basis that the attorneys represent any other individuals in similar circumstances, does not constitute a contribution to a federal candidate. Nor would money or effort devoted to attacking a candidate's campaign committee qualify as a contribution to that same candidate.

Alleged False Statements under Penalty of Perjury

The Robinson Complaint (pp. 14-15) complains that Peter DeFazio's counsel in *Robinson v. DeFazio* filed voluminous papers with the Circuit Court. Such filings were in response to a series of improper affidavits and declarations filed by Art Robinson in that case.

Robinson's divergence into discussion of the Independent Party of Oregon alleges no offense by Peter DeFazio or by DeFazio for Congress or by anyone else. The false nature of many of his allegations is established in the attached Second Declaration of Linda K. Williams in Support of Statement of Attorney Fees and Costs (July 10, 2013), ¶¶ 9-19 & Exhibit JJ.

Robinson (p. 15) then claims that Peter DeFazio committed perjury in stating that he hired attorneys Meek and Williams after having been served with the complaint in *Robinson v. DeFazio*.⁶ FEC has no jurisdiction over such a claim. And, as pointed out in documents filed in *Robinson v. DeFazio*, Peter DeFazio retained counsel late on the day he learned of the Robinson lawsuit against him by means of receiving a press release from the Robinson campaign which attached that lawsuit's Complaint.

Robinson (p. 15) then claims that "billing records of Linda Williams show her working on this case for DeFazio before he was served." Peter DeFazio learned of the lawsuit (and downloaded a copy of the complaint), and hired counsel to represent him, days before Robinson bothered to serve the complaint upon DeFazio. Robinson identifies no offense.

6. The Robinson Complaint states that the false statement was contained in an "attached DeFazio affidavit," but the documents forwarded to DeFazio for Congress by FEC included no such affidavit.

Alleged Related Information

The Robinson Complaint (pp. 15-16) offers a final hodge-podge of dissatisfaction. He repeats his earlier false statement that "DeFazio has instigated at least 2 FEC complaints against Robinson." Even if DeFazio did so, that does not violate federal election laws or FEC rules. Robinson repeats his earlier false statement that "DeFazio has also been behind other harassment complaints filed in Oregon." Again, no violation of any law or rule is identified.

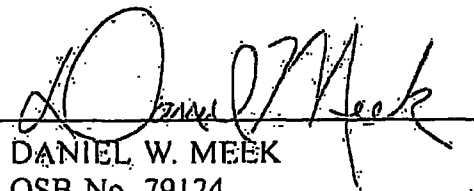
Robinson then elaborates upon the complaints that DeFazio did not file.

ATTACHMENTS

1. Letter Opinion (April 25, 2013), *Robinson v. DeFazio* et al, Josephine County Circuit Court No. 12CV1144.
2. Declaration of Peter DeFazio in Support of Special Motions (November 5, 2012), *Robinson v. Defazio*, Josephine County Circuit Court No. 12CV1144.
3. Second Declaration of Linda K. Williams in Support of Statement of Attorney Fees and Costs (July 10, 2013), *Robinson v. Defazio*, Josephine County Circuit Court No. 12CV1144.

Dated: July 18, 2014

Respectfully Submitted,



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dan@meek.net

Attorney for
DeFazio for Congress

LINDI L. BAKER, Circuit Judge
MICHAEL NEWMAN, Circuit Judge



PAT WOLKE, Circuit Judge
THOMAS M. HULL, Circuit Judge

**OREGON JUDICIAL DEPARTMENT
Josephine County Court**

April 25, 2013

RECEIVED

APR 25 2013

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Day & Galli

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Grants Pass, OR 97526

RE: Robinson vs. DeFazio et al.; Josephine County Case No. 12CV1144

Dear Counsel:

Plaintiff Robinson, and defendant DeFazio were both candidates for Congress in the November 2012 general election. Leading up to the voting, Mr. Robinson perceived that Mr. DeFazio was engaging in misleading and deceptive advertising, which gave him little time to react. As he alleges in paragraph 21 of his complaint*: "On information and belief, defendant's posting and publication of the billboards was timed by defendant close to the election in order to ensure that plaintiff would not have sufficient time to file and adjudicate the matter with the Federal Election Commission before voting in the district was commenced."

Mr. Robinson filed his Initial complaint in the Josephine County Circuit Court on October 22, 2012. Mr. DeFazio was served on October 24, 2012. Mr. Robinson sought to enjoin the allegedly deceptive advertisements, but that was not possible to address prior to the election on November 6, 2012. Hence, the balance of Mr. Robinson's Complaint remains at issue, which seeks money damages for the common law torts of appropriation and false light.

The parties have referred a great deal of case law to the Court on the threshold issue of pre-emption. From reading these cases, the Court finds that it is easier to address the issue of pre-emption, by clearly defining when pre-emption does not apply. Two of those situations are as follows:

* Plaintiff moved to dismiss all defendants but Mr. DeFazio from this case, which was granted on April 5, 2013. Therefore all references to "the Complaint" are to the original Complaint.

Attachment 1

Response of DeFazio for Congress

FEC MUR 6846

I. Claims Not Directly Related to Electioneering

As pointed out by the defendant, if an appellate court determines that the real basis for plaintiff's complaint is something other than electioneering, even if that is involved, pre-emption will often not be found to apply. For example in Stern vs. General Electric Company, 924 F2 472, plaintiff-Stern was a shareholder of General Electric and sued the defendants, the board of directors of GE, because they had established the: "non-partisan political support committee for General Electric employees," and had injected a great deal of corporate funds into this committee. Stern was not overly concerned about the political activity, and whether or not it was legal or illegal; but was very concerned about the board of directors wasting the corporation's money with such activity.

In Reeder vs. Kansas City Board of Police Commissioners, 733 F2 543, Sgt. Reeder of the Kansas City Police Department, donated \$500 to a candidate for congress; and the board fired him because such a donation violated their ordinance against police officers making political contributions. There was no pre-emption because the Court of Appeals saw the main thrust of the lawsuit as the board's right to regulate the conduct of the officers, rather than as regulation of elections.

The theme in Karl Rove vs. Thornburgh et al. 39F3 at 1273 was: "You have to spend money to make money." Karl Rove's company raised \$450,000 to elect Richard Thornburgh to the US Senate. Mr. Thornburgh and his committee were happy to accept this amount, but were unable to pay Mr. Rove his fee of \$169,732.48. Thornburg argued at page 1280: "...that by enacting FECA, congress has pre-empted the field, thereby barring the application of state law to all situations involving the liability of candidates for federal office for the debts of their principle campaign committee." The Court disagreed finding this case to be more about bill collecting than politics.

In Janvey vs. Democratic Senatorial Campaign Committee, 699 F3d 848, Allen Stanford had magnanimously donated substantial sums to various political candidates and committees of both parties. It was later discovered that he generated those funds through a Ponzi scheme. His receiver sought to recover some of the sums by suing under the Texas Uniform Fraudulent Transfer Act. In rare bipartisan agreement, both Democratic and Republican political committees joined together to resist that effort. Among other things, they argued that the receiver's actions were pre-empted by the federal election law. The Court disagreed, again finding that the case was more about money than politics.

In the case, this Court can find no ancillary aspects to this case. It is not about collecting money, regulating employee conduct, or corporate expenditures. It is simply an action by one candidate against another for what that candidate believes to be unfair campaign advertising. It arises out of the election of November 2012, it is close in time to that election, and directed solely at one candidate's conduct towards another at a crucial time before the election.

II. When the Complained of Activity is Election Activity; but Not Specifically Addressed by Federal Election Law

Even if the basis for the complaint is pure electioneering, pre-emption will not necessarily occur unless there is Federal election law which addresses the alleged wrong. It is well settled that: "State law is nullified to the extent it actually conflicts with federal law." Fidelity Federal Savings and Loan Association vs. DeLaCuesta 458 US141. Defendant asserts that such is the case in this instance, and has proffered various federal election laws which he contends address each and every one of plaintiff's allegations.

To some extent, plaintiff acknowledges pre-emption in section 19 of his own complaint, to wit: "All of the billboards and publications described and shown in paragraphs 8 and 12 through 18 above violate 2U.S.C. 441d and 11CFR 110.11. Three of the billboards failed to display any disclaimer required by Federal law, and four of the billboards include a disclaimer that is printed in a size and style that is unreadable by passing motorists." The Court agrees that 11CFR 110.11 directly addresses the issues of the disclaimers on the billboards.

A second portion of plaintiff's complaint alleges a different aspect of the billboards erected by defendant prior to the election. Besides the absence, or smallness of the disclaimer on the billboards, plaintiff first alleges that his likeness on the billboards was appropriated by defendant; and the billboards were designed by defendant to make it appear to passing motorists that Mr. Robinson was espousing highly controversial or unpopular stances – a false light.

In section 11 of his declaration plaintiff says: "The billboards rented and published by them included a likeness of me with an objective to deceive voters into believing that I was the person renting and promoting the billboards..." In plaintiff's Response to defendant DeFazio's special motions to dismiss, page 9 at line 15 he writes: "Defendant's 2010 campaign implemented a very similar strategy to the strategy in 2012; that is to trick voters into believing that Art Robinson was paying for campaign advertising espousing positions written, and designed and published by defendant." In section 5 of his complaint plaintiff alleges: "In furtherance of that campaign strategy, defendant has developed and implemented a plan and scheme to falsely depict plaintiff as a candidate who has paid for billboards and other publications..."

11CFR §110.16 prohibits the following:

"(a) In general. No person who is a candidate for Federal office or an employee or agent of such a candidate shall –

- (1) Fraudulently misrepresent the person or any committee or organization under the person's control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent

- thereof in a matter which is damaging to such other candidate or political party or employee or agent thereof; or
- (2) Willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraphs (a)(1) of this section."

Therefore, the Court believes that all allegations concerning the billboards are covered by this prohibition and therefore all the allegations in plaintiff's complaint, but for sections 10 and 11 are pre-empted by federal law. Plaintiff's complaint is dismissed with respect to those allegations.

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III. Application of ORS 31.150 et seq.

Neither the allegations in sections 10 or 11 of plaintiff's complaint appear to be addressed by any Federal election law advanced by defendant.

Section 10 of plaintiff's complaint deals with a DeFazio advertisement quoting the plaintiff simply saying: "I don't have definitive proof" with respect to his belief that some of his children were being discriminated against within the Oregon State University graduate program. The Court agrees with plaintiff that the plaintiff would have come across as more logical, and less menacing in defendant's advertisement had his entire response to the question been included to wit: "I don't have definitive proof. Basically I know what happened. I cannot tell you the motives of the people doing it." Defendant responds that with or without the additional language, the voters would receive the same message.

Section 11 of plaintiff's complaint deals with the Mr. Robinson's neighborhood cartoon. Unlike the above described billboards, it is clear that defendant, not Mr. Robinson created this advertisement. The narrator makes mention of positions that Mr. Robinson has at, one time or another, endorsed (e.g. ending social security by attrition; and abolishing public schools), but then attributes an additional statement to Mr. Robinson, that was not actually made by him, to wit: "Social security was only created because people got tired of seeing senior citizens selling pencils on the corner."


In his interview with the KVAL reporter, set forth on defendant's exhibit Y, Mr. Robinson discusses his position on social security. He notes that the precarious financial situation of our country is threatened by unchecked entitlement programs. He clearly tells the interviewer that existing contracts with people receiving entitlement payments, such as retirees and veterans, must continue so as not to violate their contract; but the programs should not continue in perpetuity – they should end by attrition. Understandably, Mr. DeFazio, as with many opposing candidates, has seized on that position and publicized it to alarm certain portions of the voting audience.

Returning to the provisions of ORS 31.150 et seq., the defendant has met his burden of showing that the allegations in both section 10 and 11 arise out of defined political conduct set forth in

31.150 (2)(c)(d). The burden shifts to plaintiff to show that there is a probability of prevailing on these claims by presenting substantial evidence to support a prima facie case.

The Court believes that this omission, and misstatement, would be much more offensive and actionable, had they not occurred within a political campaign. Both Mr. Robinson and Mr. DeFazio are public figures as defined in New York Times vs. Sullivan, 376 US 254. Neither the omission, or the misstatement, are so inconsistent with Mr. Robinson's political positions or beliefs that he is likely to recover any economic damages as he alleges in paragraph 26 and 30 of his complaint. For those reasons, the Court does not believe that plaintiff would probably prevail on either of these claims. Therefore, defendant's motion to dismiss those claims set forth in section 10 and 11 of plaintiff's complaint pursuant to ORS 31.150(3) is granted. Ms. Williams should draw up judgment consistent with this opinion.

Very truly yours,


Pat Wolke
Circuit Court Judge

PW:ah

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**IN THE CIRCUIT COURT FOR THE STATE OF OREGON
COUNTY OF JOSEPHINE**

**ART ROBINSON,
Plaintiff,**

v.

**PETER DEFAZIO, JOHN
DOES, 1, 2, and 3,**

Defendants.

Case No. 12CV1144

**DECLARATION OF PETER
DEFAZIO IN SUPPORT OF SPECIAL
MOTIONS**

I, PETER DEFAZIO, declare:

1. I make these statements from my own personal knowledge and observations.
2. I am the same Peter DeFazio who is a defendant in the above-captioned suit.
3. I am the incumbent member of Congress, 4th District of Oregon. I was first elected to Congress in 1986, and have served since my term commencing January 1987.
4. Plaintiff Art Robinson was a candidate for the House of Representatives against me in 2010. Plaintiff is my major party opponent and candidate for this same seat in the 2012 elections cycle.
5. After being served with the summons and complaint, I noticed that the complaint complained of acts undertaken by DeFazio for Congress, a federal election campaign committee.
6. I requested that staff of DeFazio for Congress review the files and records it maintains of public statements made by Plaintiff. As part of that review, staff reviewed issues of Plaintiff's for-profit Newsletter, *Access to Energy*, and his book, *COMMON SENSE*, listed to recordings of his public speeches or viewed video of such speeches, read or listened to media interviews, and reviewed other forms of electioneering and promotion of Plaintiff's candidacy and views, such as internet commentary and widely-distributed "blast" emails from him or made on his behalf.

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7. I have reviewed the documents and electronic materials compiled and directed that true copies be made, attached hereto as exhibits (with the exception that in some cases, I requested that the names of persons appearing in email chains be redacted to preserve the privacy of persons not staff of DeFazio for Congress).
 8. As part of the contested political campaign for the 4th Congressional District of Oregon seat in 2010, the DeFazio for Congress Committee rented three billboards along Interstate 5, one each near Creswell, Sutherlin, and Roseburg, Oregon.
 9. Among those 2010 billboards was the one in Roseburg, Oregon, complained of in ¶ 8 of Plaintiff's Complaint, which displayed the words "Energy company CEO's shouldn't pay taxes" and words attributing the statement to Plaintiff's newsletter, *Access to Energy*. A color copy of that billboard is Ex. A to this declaration.
 10. The billboards referenced above also displayed a website address, "WhoIsArtRobinson.com." That website prominently displays me, identified as "Congressman DeFazio," and further identifies that the site is paid for by DeFazio for Congress. A print-out of the website appearance and display is attached at Ex. W to this declaration.
 11. In the November 2006 edition of his newsletter *Access to Energy*, Plaintiff Robinson stated he believed that energy companies and their employees should be exempt from paying all taxes.

Every tax, regulation, law or other impediment that currently inhibits any energy-producing industry should immediately be abolished and no new such tax, law, or regulation should be created until the total flow of useful energy across the borders of the United States is strongly outward...Simultaneously, and for the same period of time, all local, state, and federal taxes should be waived for all persons employed in the energy industries, and these industries should operate with no government oversight whatsoever.

A true copy of an excerpt from that issue of *Access to Energy* is attached hereto as Ex. B.

12. The photo of Plaintiff used the billboard was taken from footage recorded at a public campaign event held by the Art Robinson campaign in Philomath, Oregon, on August 25, 2010. The video was filmed by an employee of DeFazio for Congress. A still from that video is attached as Ex. C.

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13. So far in 2012 the DeFazio for Congress has rented 7 billboard signs along Interstate 5 and other major highways. The signs are located outside the Oregon cities of Albany, Coos Bay, Corvallis, Roseburg, and Sutherlin, and to the best of my information and belief were placed sometime in September of this year.
 14. I include digital reproductions of the billboards as exhibits to this declaration.
 - a. The Coos Bay and Roseburg billboards show the message, *inter alia*, "Public schools should be abolished." Ex. D.
 - b. The Albany, Roseburg, and Sutherlin billboards include the message, "Social Security should be ended through attrition." Ex. E.
 - c. One Corvallis billboard includes the message "End Federal Student Financial Aid Programs." Ex. F.
 - d. Another Corvallis billboard contains the message, "OSU is a liberal socialist stronghold." Ex. G.
 15. The billboards includes brief attribution for the statement thereon, and all prominently display the website address, WhoIsArtRobinson.com. As noted, that website still prominently displays me correctly identified, and identifies that the site is paid for by DeFazio for Congress. See Ex. W.
 16. Each of the above-referenced messages about Plaintiff's positions are either (1) direct quotes by Plaintiff or (2) opinions about Plaintiff's specific policy positions based on his public statements. The photo used for these billboards was a picture cut from video taken by DeFazio for Congress staff at the Lane County Fair in August 2012.
 17. As for the words, "Public schools should be abolished" [Ex. E] complained about in ¶¶ 13 and 16 of Plaintiff's Complaint, my review of Plaintiff's newsletter writings and speeches shows Art Robinson has stated many times that public schools should be abolished.
 - a. In March 2009, Art Robinson gave a speech to the International Conference on Climate Change. During a question and answer portion, Robinson and another speaker were asked what we should do to fix our public schools. I have listened to audio of the presentation. It is copied to the CD-ROM disk provided as Ex. Y, hereto, filename, public_schools_abolish.wmv. Plaintiff stated:

Several years ago I had the opportunity to speak to the Republican legislators of Maine about the subject of global warming. * * * And some guy, I don't know why, he says, "What do you think about the public schools?" And then I was dead. And my credibility was going to be gone and I looked at him and I said "I think the public schools should be abolished." And they loved it.

- b. Other examples of statements by Plaintiff that he espoused abolishing public education are attached as Exs. H, I and J, hereto. Each exhibit is a true copy of an excerpt from Plaintiff's newsletter, *Access to Energy*.
18. As for the words, "Social Security should be ended through attrition" [Ex. E] complained of in ¶¶ 14, 15 and 17 of Plaintiff's Complaint, that statement is based on a public radio interview Plaintiff had with I-Caucus (which to the best of my knowledge, is a non-profit voter information project).

Consider what we would do with Social Security. The government is already not honoring its contract under Social Security. It's paying the money but it is inflating the currency and it is not properly taking the CPI rises so the people in Social Security are getting less and less all the time in terms of purchasing power so they are being defrauded. But if we just suddenly cut off the federal income there is no Social Security fund. They spent it. So it is a Ponzi Scheme. I'd be in jail if I ran something like that. And you would do. But we do have a contract with the people who paid into Social Security and that is being paid not only by Social Security benefits but now the benefits are running a little less, it is being paid partly by the income tax. We should change our ways so that we don't incur any further liabilities under entitlements. In other words, these entitlement programs need to be ended. But they can't be ended by violating the contracts with the people who have already contracted with the government. They have to be ended by attrition. You have to stop taking on new people in the entitlements and let time pass and gradually by attrition cancel that.

The audio of the remarks is part of an audio file on the CD-ROM which is Ex. Y, filename, end_social_security_by_attrition.mp3.

19. As for the words, "End all federal student financial aid programs," [Ex. F] complained about in ¶ 18 of Plaintiff's Complaint, this statement is based upon Plaintiff's responses in 2010 to the Project Vote Smart questionnaire. Ex. K, p. 8, hereto. To the best of my knowledge and information, "Project Vote Smart" is a

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neutral nonprofit voter information group. Plaintiff responded to its questionnaire on issues.

20. In the 2010 Project Vote Smart questionnaire, the following specific questions were posed to Plaintiff, and he responded "no" to each question:

Do you support federal funding for K-12 vouchers?

Answer: No.

Do you support the federal government providing college students with financial aid?

Answer: No.

Ex. K, p. 8.

21. As for the allegation in ¶ 10 of Plaintiff's Complaint that an internet advertisement on the WhoIsArtRobinson.com website selectively edited the audio questions and answers during a television interview, I note that in 2011 Plaintiff made public accusations that Oregon State University (OSU) had taken adverse academic actions against his college-student children based on political motives or favoritism to me.

- a. Plaintiff published an opinion piece on the well-trafficked website World Net Daily. See Ex. L, hereto.
- b. He also distributed a copy of his opinion piece to his supporters in an email [Ex. M] and on a website with which he associated, OregonStateOutrage.com.
- c. At p. 2 of Ex. L and p. 2 of Ex. M, Plaintiff states:

OSU is a liberal socialist Democrat stronghold in Oregon that received a reported \$27 million in earmark funding from my opponent, Peter DeFazio, and his Democrat colleagues during the last legislative session.

22. Plaintiff's charges of academic targeting against his children were reported by KVAL-TV in Eugene, and Plaintiff was interviewed. The video segment is reproduced at whoisartrobinson.defazioforcongress/category/oregon-state, and is also copied to the CD-ROM, Ex. Y.
23. In the televised news segment, the reporter states in voiceover that Plaintiff says "the university is plotting to expel his children." On-camera she asks Plaintiff,

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"What proof do you have that this is political?" Plaintiff replies, "I don't have definite proof." The additional statement that Plaintiff claims was omitted is, "Basically, I know that happened. I cannot tell you the motives of the people doing it."

24. As for the allegations in ¶ 11 of Plaintiff's Complaint, DeFazio For Congress produced and distributed the humorous internet video "Mr. Robinson's Neighborhood" and distributed it by email on July 30, 2012. It is recognizable as a parody of the long running children's program, "Mr. Roger's Neighborhood." I copied the entire 90 second video to the CD-ROM Ex. Y as "Mr. Robinson's Neighborhood.mov." It is also at www.defazioforcongress.prf.2012.08.video-mr-robinsons-neighborhood.
25. As for the words complained-of in ¶ 11 of Plaintiff's Complaint, the particular "cartoon" was produced for Defazio for Congress by an independent contractor. I attach hereto an October 10, 2010, article from the EUGENE REGISTER GUARD, as Ex. X. Plaintiff there is quoted as saying, in response to the question of what would happen to her under a privatized system of Social Security if she invested and lost her savings, "You'd have to rely on your family and friends."
26. On or about October 21, 2012, it came to the attention of DeFazio for Congress, through news accounts of Plaintiff's Complaint, that the billboard near Sutherlin on Interstate 5 and the two Corvallis digital billboards [Exs. F and G] lacked statements of the source of the advertisement ("disclaimer" statements).
27. The original artwork for the Sutherlin billboard produced for Defazio for Congress included this disclaimer statement and was submitted to the media company controlling the rental of that billboard, CBS Outdoor. Apparently, an error was made by CBS Outdoor in producing the billboard. On October 22, DeFazio for Congress notified CBS Outdoor of the omission, and CBS Outdoor immediately printed a disclaimer statement and affixed it to the billboard. CBS Outdoor acknowledged responsibility for the mistake, indicated in the attached email to staff for DeFazio for Congress. Ex. N.
28. The billboards near Corvallis are digital. DeFazio for Congress employs a campaign design vendor, Bell and Funk, and this contractor accidentally omitted the disclaimer statement from both electronic billboards in Corvallis before submitting the artwork to Lamar Advertising. Once Defazio for Congress became aware of the mistake, it instructed Lamar to take down the advertisements until corrected by Bell and Funk. Staff of DeFazio for Congress received an email acknowledging the error and stating that by 4 p.m, October 22, the new artwork with the disclaimer statement was up on the two electronic billboard displays. Ex. O.

29. In the contested partisan political campaigns, Plaintiff has frequently criticized me in the press, in political campaign emails, and his book COMMON SENSE.
30. While in the political arena, Plaintiff Robinson has often used hyperbole, epithets and colorful (offensive) language in referring to or about me. The exhibits to my declaration include a number of unfounded accusations and emotional statements by Plaintiff, including accusations:
- a. of official corruption by me;
 - b. that I undertook a vendetta against the Robinson children attending Oregon State University and implies that I would thereafter support OSU in exchange for their alleged sanctions against the Robinsons; and
 - c. that I am a "dishonorable liar."
31. Plaintiff repeatedly mischaracterizes my political philosophy as "Socialism." Many statements also mischaracterize the meaning and effect of complex legislation offered by men and mischaracterize votes cast by me on bills. In addition to the news article referenced above, I include Exs. P-V, which are copies of such materials. Ex. U is composed of various pages excerpted and copied by me from Plaintiff's book COMMON SENSE.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand that it is made for use as evidence in court and is subject to penalty for perjury.

Dated: November 5, 2012



Peter DeFazio

Signed in Lane County, Oregon

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1-800-444-1001

ART ROBINSON:

www.WhoIsArtRobinson.com

PAID FOR BY PETER DEFAZIO FOR CONGRESS

ACCESS TO ENERGY

A Pro-Science, Pro-Technology, Pro-Free Enterprise Monthly Newsletter

NOVEMBER 2006 (Vol. 34 no. 4)

Box 1250, Cave Junction, Oregon 97523

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Energy and Freedom

Pear Beckman founded *Access to Energy* 34 years ago for the purpose of communicating the truth about nuclear-electric power to the American people. He foresaw the devastating effects that failure to develop nuclear energy would have on the United States, and he feared the enviro, political, and media propagandists who were lying about nuclear power in an effort to stop its development.

The propagandists won. The United States government stopped the building of nuclear power plants, with President Jimmy Carter driving the final nails into the nuclear energy coffin. During the past 30 years, similar liars and government actions have managed to prevent a resumption of nuclear power development.

Nuclear engineers have maintained and improved most of the approximately 100 nuclear power plants that America had at that time, but no new plants have been built. These old plants still generate about 20% of America's electricity.

At about the same time, the United States government undertook an extensive series of steps that crippled the hydrocarbon energy industry. Further development of resources was inhibited, taxes were imposed, regulations proliferated, and the development of American domestic hydrocarbon energy was thereby made so expensive that it was priced out of the world market.

Here also the propagandists won. America ceased to have a self-sufficient supply of hydrocarbon energy. Americans were falsely told that America is running out of hydrocarbon resources. Now, the "human-caused global warming" lie has been added.

Since nuclear energy and hydrocarbon energy were and still are the only practical methods of energy generation on a large scale, the American people lost their energy independence and became dependent upon foreign supplies.

It is important to know certain facts.

First, there is no significant danger from nuclear power plants. In fact, nuclear-electric energy is by far nothing else is even close the safest, most economical, and most environmentally sound way to produce electricity. This has been true for more than 40 years.

Second, hydrocarbon energy which is still superior to nuclear energy for most uses, except the generation of electricity, is not resource restricted. The United States has such vast coal, oil, and natural gas resources that it could easily be entirely independent for many future centuries. Moreover, coal, oil, and natural gas can be easily converted into one another. The relative use of nuclear, coal, oil, and gas fuels is simply an engineering and economic choice.

These are not opinions they are facts. The propaganda to the contrary that has been used to cripple our country's energy industries is simply lies - lies specifically invented for the purpose of diminishing our technology and our freedom.

These lies have, so far, been very successful. At the present time our wealth is being rapidly dissipated by the cost of buying foreign energy; our industries are being lost to foreign competition because inexpensive energy was necessary to maintain our competitive tech-

nological advantages; and our military resources and our personal freedoms are being diminished by wars for the misguided purpose of protecting our access to foreign energy.

For the past six years, America has had a President who understands energy. Unfortunately, almost every effort he has made to expand domestic energy production has been thwarted by corrupt Republican and Democrat politicians in the U. S. Congress. Now, as he passes from the scene, it appears likely that our government will once again be fully in the hands of the reprehensible forces that have successfully crippled our energy industries over the past 30 years.

The American nation bequeathed to us by previous generations was like an enormous flywheel. It has taken a long time to slow that flywheel down. Now, however, there is little time left. Taxation, regulation, litigation, and propaganda have had devastating effects with none more disastrous than those on our domestic energy industries, upon which all of our technology depends.

And there is one more fact. The very existence of the United States - a great experiment in the freedom and dignity of individual human beings - is crucial to the future of all humanity. As those currently in charge of that experiment, our generations are morally required to keep this experiment alive. It is morally wrong for us to allow our own selfishness and ignorance, or the selfishness and ignorance of those around us to destroy the American experiment. We are not required to force our ways on others nor to punish those who go a different way, but we are required by Providence to keep the example of the United States vibrant and alive in the world.

The needed actions are self-evident. Every tax, regulation, law, or other impediment that currently inhibits any energy-producing industry should immediately be abolished - and no new such tax, law, or regulation should be created until the total flow of useful energy across the borders of the United States is strongly outward, with net exports comprising a large percentage of total production - perhaps as much as 50%. Simultaneously, and for the same period of time; all local, state, and federal taxes should be waived for all persons employed in the energy industries; and these industries should operate with no government oversight whatever. The cost of these measures - if any, since they would likely greatly increase our wealth - can be paid by ending all political, economic, and military adventures used to secure foreign supplies of energy.

We are in very serious trouble. Some propose an energy Manhattan project wherein a huge government program is created to solve our energy problem. This will not work because the government is our energy problem. It is certainly not the solution to it.

If, however, we lift the entire burden of government off the back of free enterprise, free men will solve our energy problem in record time. Moreover, not only will this save our nation, it will demonstrate to nations everywhere the accomplishments that truly free men can achieve, even when they begin as underdogs as a result of their own mistakes.

NUCLEAR WEAPONS

In addition to lies about the safety of nuclear-electric power plants, America's enemies have also spread the lie that use of nuclear power makes more likely the use of nuclear weapons. Unsophisticated people see the word "nuclear" in both and believe the lie.

This lie is the equivalent of contending that all production of anti-

biotics should end because the same technology used to make antibiotics can be used to make biological weapons. The knowledge and equipment to make biological weapons is easily available. This possibility cannot be prevented by suppression of technology. The only solutions are to diminish the incentives to make such weapons, to catch those who build biological weapons before they use them, and to build protective technology - which is relatively easy to do.

EXHIBIT

B

PAGE

OF

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ART ROBINSON SAYS:

Global Warming
Should Be Abolished

International Conference on Climate Change, March 2009



www.WhoIsArtRobinson.com

PAID FOR BY PETER DEFAZIO FOR CONGRESS

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ART ROBINSON SAYS:

Social Security should be ended through abolition.

i-CAUCUS Interview, May 11, 2010

www.WhoIsArtRobinson.com

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FOR CONGRESS



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ART ROBINSON SAYS:

OUR FUTURE IS AT RISK
AND WE MUST TAKE ACTION NOW

Robinson, President, National
Association of Manufacturers

www.WhoIsArtRobinson.com

Paid for by DeFazio for Congress

ACCESS TO ENERGY

A Pro-Science, Pro-Technology, Pro-Free Enterprise Monthly Newsletter
APRIL 1999 (Vol. 26, no. 8) Box 1250, Cave Junction, Oregon 97523 Copyright © 1999 by Access to Energy

Revolution in Education

This past week I had an opportunity to give an after-dinner speech on "global warming" to the Republican Senators and Representatives of the Maine state legislature. They are under attack (along with the people of Maine) by the Maine State Planning Office, which has issued a "State of Maine Climate Change Action Plan." The plan bills itself as "Responding to Global Climate Change and Achieving Greenhouse Gas Emission Reductions in Maine: Roles for Industry, Business & Citizens."

This is part of the Clinton Administration effort to use the Environmental Protection Agency to implement "global warming" fascism and the Kyoto Treaty without the consent of the United States Senate. The EPA joins its boilerplate controls to the agendas of local enviros and then attempts, in each state, to march everyone into a low-technology, shortened-lifespan future. Like perjury and obstruction of justice at the national level, this "Action Plan" is supported by the Maine Democratic Party and opposed by most Republicans.

The speech and questions afterwards seemed to go well, since these Republicans are glad to have information about the nonsense of so-called "global warming" and the Petition Project's opposing petition signed by more than 17,000 American scientists. As questions about this and "ozone depletion" and DDT diminished, however, someone asked my views on education.

Expressing misgivings that the answer might decrease their confidence in the science I had just been discussing, I replied that "I think that the public schools should be abolished," and then expanded that statement with a brief discussion of free-enterprise schooling and home schooling. The response was remarkable. No sooner had I said the word "abolished" than the room broke into enthusiastic applause and animated discussion. There probably were some exceptions present, but an observer would have concluded that the Republicans of Maine were definitely ready to consider closing the public schools.

During the next few days, I worked closely with two scientists in New York and then with one in San Jose, California, who are helping with our mass spectrometry project. I had not known these three before. In all three cases, when the scientists learned that I was involved in home schooling, they were very interested - more so than in the research work. Each one has children in public school.

Note the audiences. These are not parents of the 3% of American children now engaged in home schooling. They are instead worried parents of the 97% who are being cut off at the knees - both academically and sociologically - by the tax-financed, 3 million union member "education" conglomerate that is destroying the minds of American youth. The truth is that the school bus has become one of the most serious forms of child abuse in our country.

It was, of course, not always so. Socialism does not work, so there were always problems with our tax-financed schools - but American public schools of the 1950s and earlier were, on balance, of benefit to the students. The only real support for socialized schools in America today is among adults who remember their own school experiences of the past and yet do not realize that the schools they attended no longer exist - and among the 3 million "educators" who live off

this system. Among the 3 million are some fine teachers whose efforts are, however, negated by the education establishment.

As I write this, Matthew is at his desk behind me working problems in his Saxon Algebra II book. This is the third and last algebra book in the math series. Matthew is eleven years old. The majority of students graduating from our local tax-financed high schools cannot work the problems in Matthew's book. Matthew is not a genius. He is just a smart little boy (like thousands of such boys who entered our local socialized schools) who has had, however, access to a good study environment, good study habits, and good school books.

Meanwhile, Matthew's oldest brother Zachary is working toward his Ph.D. in chemistry at an excellent American graduate school. Zachary is in a tough competitive environment - where most of the competition is from foreign graduate students. Very few American students are entering such graduate schools, and, those who do often find themselves outclassed by the foreign students.

Surely, there are American students who still manage to excel. They do so, however, in spite of the schools rather than because of them. An objective look at the vast majority of American students - from their academic performance to their social problems - shows that most young Americans are being harmed by the public schools.

Politicians keep throwing more money at socialized education, because polls show the great worry of the American people about education. Polls also show, however, that most Americans have very low opinions of politicians and of tax-financed programs.

The electronic challenges of the Internet, CD-ROM, and computer technology which are now making possible high-quality, very low-cost decentralized education would be difficult for good centralized schools. Even in free-enterprise education (both at the elementary and university level), the future belongs to bandwidth. Centralized schools will be sharply diminished. As far as the socialized nightmare of tax-financed schools is concerned, America will soon be awakened from this bad dream - by an electronic and political alarm clock.

Many years ago the American left seized upon public education as an ideal tool with which to brainwash American youth. Through thousands of small, incremental steps, they gradually converted the schools into propaganda mills. In the process, however, they have managed to throw out the academic quality that gave those schools their reason for being. This process has gone so far that it cannot be reversed. Even if it could be reversed over the next 10 to 20 years, what responsible parent would be willing to sacrifice his child's mind to the effort? Public schools can never be changed in time to prevent further harm to the current students.

These are the sorts of pressures of which revolutions are made. This one will start in one state and then roll across the country with astonishing speed. In each state, within a few months of the abolition of public schools, private enterprise will be doing a better job. Alternatively, home schooling and decentralized electronic education may just simply grow so large that the shrinking public schools will eventually atrophy and die. Given the rates of change associated with electronics, this too will proceed with revolutionary speed.

and expensive to use, but it also had an even greater disadvantage. Centralization inhibits innovation. As long as computers were available only to large, wealthy enterprises and to governments, their uses were restricted by the lowest common denominators of the committees in charge of them. All of this ended with the microelectronics revolution. Now, information technology is decentralized and cheaply available, so innovative uses of computers are proliferating.

MICROCHEMISTRY

The computer revolution is being driven by two mutually synergistic technological advances - miniaturization and improved economies of production. When computers were large and expensive, they were available only in centralized facilities. This made them inconvenient

EXHIBIT

ACCESS TO ENERGY

A Pro-Science, Pro-Technology, Pro-Free Enterprise Monthly Newsletter

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Tax-Financed Racism

"Caltech has fewest black freshmen" blares the headline of MSNBC News for December 9, 2002. The *Journal of Blacks in Higher Education* apparently counted black freshmen at the 25 universities ranked highest by *U. S. News and World Report* and discovered this fact.

In its effort to make Caltech look as bad as possible, MSNBC compares the number of blacks in this year's class at CIT, 3, with that of MIT, 63, without mentioning that MIT regularly admits five times as many freshman students, 1,000 vs. 200.

In 2002, the California Institute of Technology had 44 black applicants, admitted 13, and received 3 acceptances in an unusually large class of 260. Usually the class size is under 200. This 1.2% is about one-tenth the black population average. MIT's percentage was 6.2%, and politically correct Harvard managed 6.8%.

Echoed by other organs of the left-wing press, Caltech's "sins" were broadcast widely with the school - which is the most elite science college in the world - pilloried for racism. The ploy of omitting mention of Caltech's size in order to make the issue look even worse was widely repeated.

Caltech also has a low percentage of women and a high percentage of dropouts. When I graduated from CIT in 1963, one-third of my class failed to graduate. CIT dropouts today are still higher than for most universities. Caltech has tried to correct this by joining the trend toward poorer education and lower standards - freshmen receive only pass-fail grades and courses are less rigorous, but their educational program is still more difficult than at other schools.

Even though it has relaxed its standards, Caltech has continued to admit based on merit and ability. Moreover, its applicants are weighted toward those who seek severe, difficult, total-immersion training in science - an experience few women and blacks desire.

Is racism a part of this? Yes, it is, but the racism is not at Caltech.

In *Access to Energy* Volume 24, No. 8, April 1997, we discussed the article "Solid Evidence to Support Home Schooling" by Michael P. Farris in *The Wall Street Journal*, March 5, 1997, p A18.

In a battery of tests in reading, listening, language, math, science, social studies, and study skills, where public school students averaged, by definition, 50th percentile, home-schooled students averaged between the 80th and 87th percentiles with overall score of 85th.

In the tax-financed "public" schools, in reading tests whites were at the 57th percentile, while the blacks and Hispanics were both at the 28th. In math, whites were at the 58th, while Hispanics were at the 29th and blacks were at the 24th.

In reading, the home-schooled whites, Hispanics, and blacks all scored at the 87th percentile, while in math home-schooled whites were at the 82nd percentile and Hispanics and blacks were at the 77th.

In other words, given reasonably similar opportunities in home-school environments, the mean achievements of white, Hispanic, and black precollege students were essentially comparable and far, far above those of students who were incarcerated in "public" schools. In the public schools, Hispanics and blacks scored very poorly as compared with white students.

Tax-financed public schools are miserably failing all of their students - even more so their Hispanic and black students. This should be no surprise. Socialism does not work. Moreover, in failing socialistic systems, the misallocated scarce resources flow disproportionately to those who are more entrenched in the system. This racism cannot be eliminated from the tax-financed schools. For the good of all students, this failing socialist system must be abolished.

Tax-financed schools deliver unprepared students to the universities. In response, universities have lowered their standards to the point that their freshman and sophomore years are now the academic equivalents of the junior and senior years of high school in the 1950s. The universities cannot, however, correct the problem. If a student has not learned basic skills and facts by age 18, he will never be as capable as his abilities would have permitted with good training.

In the case of blacks, this situation is even worse. In the words of a black UCSD professor in complimenting my freshman chemistry course there many years ago, "Our worst enemies are these white liberals who teach watered-down courses to our students and thereby turn them into permanent second-class citizens."

The admissions are faked, the courses are faked, the standards are faked, and the students emerge from college unprepared to do productive work. For those who were the worst prepared going into college, this fakery is even more devastating.

In the humanities, the "social" sciences, and soft sciences like biology, this dishonest system is easier to cover up. In the hard sciences of mathematics, physics, and chemistry and in engineering - the specialties of Caltech - it can not be hidden.

Hard science and engineering are unforgiving. Either the theory, experiment, and problem solving are right or they are wrong. There is no middle ground. The laws of the natural world are immutable. They will not change or bend to accommodate human mediocrity. Trained from childhood in the necessary skills and endowed with unusual ability, a student can learn these subjects at the highest level. Without that training, he cannot.

Caltech could not accommodate the professional racists even if it tried. In an environment in which 200 of the best qualified freshman science students in the world are struggling for survival, what is going to happen to a less well-prepared black student?

Are the graders to be instructed to grade his problems as right when they are wrong? Are his peers to be taught that he is not required to learn science as well as they because of the color of his skin? How racist is Caltech required to become in order to accommodate the racism in public schools?

Moreover, the desire to do certain things is partially cultural. Are American Indians or blacks who have been taught by racists to glorify their "roots" going to apply to Caltech in as great numbers as those of white European heritage?

The racial numerical averages of individuals in science and engineering will never be equalized until racism, especially that of the liberal professional racists, truly disappears. The abolition of their power base in tax-financed schools would be an excellent beginning.

SOLAR ENERGY

The nature of the sun and sun-like stars is of great interest to astrophysicists, and of occasional interest to the rest of us when discoveries are made that affect either our lives or our intellects by allowing us to vicariously participate in the advance of that realm of science.

The correlation between the activity of the sun and the temperature of the Earth is well-established. See Baliunas, S. and Soon, W., *Astrophysical Journal* (1995) p. 450. It is, however, not well-known to the general public. Whenever facts that are unsupportive of the myth of human-caused global warming begin to emerge hesitantly into public view, they are met by a storm of propaganda and lies generated by the enviros and the political and business groups whose self-interests are

SCIENCE VS. HYSTERIA

"Science vs. Hysteria" by Nobel laureate Norman E. Borlaug in *The Wall Street Journal*, January 22, 2003, p A14, reports the efforts of European enviros, politicians, and bureaucrats to prevent the use of American-made genetically modified food crops.

Borlaug is Professor of International Agriculture at Texas A&M University. He is credited with being largely responsible for the "green revolution" whereby modern farming methods including hybrid seed, fertilizer, and chemical pest control were introduced into underdeveloped countries.

The efforts of Borlaug and his colleagues brought modern farming methods to hundreds of thousands of farms in areas where human starvation was the norm. Farm yields increased several fold, food was plentiful, and poor farmers even had surpluses to sell. That revolution itself has been endangered by governmental policies that have been depriving poor farmers of access to seed and chemicals they need.

Additionally, for the past four years, the European Union has prevented the importation of American genetically modified crops. Worse, European envirocrats have spread word throughout Africa that these crops are "poison," so that American efforts to halt starvation are being impeded.

Zambian President Levy Mwanawasa, for example, has been told by anti-biotechnology groups that donated American corn is "poison" because it contains genetic modifications. Borlaug lists many examples of genetically modified food crops - with more productivity and additional pest resistance - that are being endangered by, in Borlaug's apt words, "ideologically inspired pseudo-science."

The world agricultural revolution that took place initially on American farms during the past century was, in large part, based upon plant breeding to produce better crop varieties. With advances in molecular biology, this food crop improvement has been carried to the molecular level and accelerated.

There are, primarily as a result of government control of research and government regulations that inhibit innovation, many unanswered questions about human nutrition. What is the best balance of nutrients in the human diet? How does that balance change with human biochemical individuality? Are plant-produced pesticides and herbicides safer or more dangerous to human health than those applied by farmers to their crops? What effects do human-made fertilizers have on the compositions of human foods as opposed to those ordinarily found in the soil? These and many more similar questions need to be answered - substance by substance, human by human.

Ignorance, of course, provides a fertile breeding ground for fear. Among affluent Americans, that fear has produced a growth industry in "organic" foods. Ironically, that industry depends upon plant varieties that have been selected for high pest resistance, which allows "organic" farmers to obtain better yields. These "organic" foods actually contain much higher amounts of plant-produced pesticides than ordinary foods, and they have been produced by genetic selection.

All of these niceties of food selection are, of course, irrelevant to Africans who are starving in vast numbers because they cannot obtain food at all. The French versions of the enviros who are working to deprive these people of food are apt descendants of their famous ancestor who advised the starving mobs that could not obtain bread to eat cake.

It is tempting to dismiss these enviros as modern day Luddites and the starving of Africa as far-away statistics. The Luddites were, however, themselves starving as textile machinery replaced their hand work, and each African who dies is a human being. Moreover, those who are working to deprive these people of food are not an ignorant mob. They are a college-educated privileged elite who are perfectly capable of understanding the effects of their campaign.

Like their fellow travelers who have killed more than 50 million children by depriving them of malaria-preventing DDT, these people are involved in "population control" motivated genocide.

Working with these reprehensible killers are European farm interests who are already existing on vast government subsidies because of

American farming methods. Farm productivity has risen so greatly and has been exported so extensively that these farmers cannot compete - especially in the framework of their well-advanced socialistic states.

Even in America, a combination of taxation, regulation, and the export of farm technology has turned the Midwestern states into pathetic welfare cases. American farmers have, however, not become Luddites clamoring for an end to technological advance.

For more than 25 years, the real value of farm land has been in a downward trend, and the amount of land under cultivation has been diminishing. This is the result of the export of the American farm technology revolution to the world. Moreover, this trend is actually accelerating as great tracts of extraordinarily productive land are brought under cultivation in places like Brazil.

The result of this is that farmers who live in advanced welfare states such as Europe and the United States, where they are subject to high taxes, extensive regulations, and high living costs, can no longer compete. They have themselves been driven onto the welfare rolls. The solution to this lies in the reform of their own governments - not in the starvation of poor Africans through the dissemination of enviro lies.

GOOD RIDDANCE

Access to Energy readers have read many statements in this newsletter to the effect that tax-financed schools should be abolished and, in fact, would be abolished in the not-too-distant future. No doubt, many say to themselves that, while they realize that these "schools" are now entirely counterproductive - especially in a country devoted to freedom - they are too much entrenched in our system to be removed.

After all, more than 3 million unionized people control this industry, and older generations think of these schools as like those that they attended rather than as the socialist nightmare they have become.

If all tax-financed schools in America closed tomorrow and no other governmental action whatever were taken, within six months every child in America would have access to better educational opportunities provided by the free market - and every child who could not afford these opportunities would be educated without cost. The good teachers in our midst would be employed in teaching students, and the rest of the 3 million would be unemployed until they decided to find productive work.

Moreover, the most onerous tax system ever perpetrated on our citizens - one in which their homes are seized and sold by the government if they do not pay the tax - could come to an end.

The mood of public opinion on this issue is actually moving toward abolition of the schools at a surprising rate. Increasing numbers of politicians are stating in private that the schools cannot be fixed (see our earlier article on the Republican Legislators in Maine), and major conservative opinion leaders, rather than advocating repair, are now openly questioning the continuation of this decayed form of institutionalized child abuse.

"Time for Public Schools to Throw in the Towel?" by Dr. Laura Schlessinger, *worldnetdaily.com*, January 27, 2003, is a recent example. Whether or not one agrees with her views, Dr. Laura influences the opinions of a lot of people.

As in most articles of this sort, she cites a few examples. In a survey of more than 1,000 fourth and eighth grade teachers, the Center for Civic Information at the Manhattan Institute found that only 25% of these teachers cared most whether the student determined the right answer. More of them cared most that students "tried hard or used a creative approach."

Especially ridiculous in its widespread application to mathematics, she points out that this attitude is found in the tax-financed school deconstruction of family, religion, values, ethics, and morality as well. With no right or wrong answers, anything goes - except the politically incorrect, which is banned with fanatical rigor.

The Schlessinger article concludes, "I think Oregon may have the right idea. They are looking to shorten the school year by 15 days. How long before it's clear to them and to us that we should simply close them altogether?"

EXHIBIT I

ACCESS TO ENERGY

JUNE 1997 (Vol. 24, no. 10)

A Pro-Science, Pro-Technology, Pro-Free Enterprise Monthly Newsletter

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Preserving Energy Technology

While it is much more enjoyable to write about the extension of technology into new frontiers, it is of even greater importance to preserve the technology that we already possess. This is one of the primary factors that has caused us to work for many years in advocacy of the building of a national civil and strategic defense.

Reasonable estimates suggest that life in the United States after a major nuclear war would be comparable to that in the late 1860s after the War Between the States - in population density, technology, and quality of life. Aside from the tragic loss of life, why should we allow the unscrupulous machinations of politicians, bureaucrats, and their elitist bosses, who have left America without any national strategic and civil defense whatsoever, to permit the destruction of the technology that has already been built by six generations of Americans?

Our uncensurable vulnerability to this threat not only worsens the damage in the event, it increases, through weakness, the probability of disaster, and it raises the probability that Americans can be blackmailed into giving up their national sovereignty and freedom.

There is, however, another danger to our technology that is much closer to our homes and more likely to destroy our way of life.

Yesterday, I attempted to order some rubber boots for my son Noah. He has outgrown his size 15s. The lady in charge of the store explained that the markup would be 35% over wholesale for this special order. With the aid of her calculator, she then informed me that, since wholesale was \$43, the price would be \$78.

When I tried to tell her that she had made a mistake (suggested retail was \$60 and 135% of 43 is 58), she became agitated and told me, "What you don't understand is, is that the price is high 'cause you're wanting one pair." She had calculated a 35% markup by adding \$35 to the price. After more futile discussion, I went to another store to order the boots. (There the salesman was unwilling to attempt to estimate the price at all.)

The day earlier, a mother telephoned about the self-teaching aspect of our curriculum. She said that she had graduated from college with a degree in education, but had learned nothing. She found herself unable to help her 10-year-old son with his arithmetic. It was essential that she find a school curriculum requiring no teacher help.

Recently, the chairman of a university chemistry department said to me, "It is much worse than you realize. More than 90% of our students cannot read a book with enough understanding to apply the knowledge in it in even simple ways." A few weeks earlier, a famous professor of mathematics at a major university told me that the most pressing educational problem is teaching the students to read.

Two days ago, in a call about our curriculum, a mother told me that her public-schooled son was very brilliant, especially in math, so he had been put in a special education, advanced class in mathematics. In this class, at the age of 14, he is just beginning to learn algebra.

The campus newspaper at a nearby high school with about 2,000 students recently carried an article in which the principal of ten years listed, as one of his most important accomplishments, the expansion of AP courses at the school to specifically prepare the students for Advanced Placement exams. These are given once each year in May

by the College Board. High scores permit students to skip the corresponding college courses. When, however, Noah and his sister Aryanne took AP tests at that high school this year, in some subjects they were the only students taking the test. Between the two of them, they took as many exams as all the other 2,000 students combined.

Geniuses? No. The first two years of university instruction are now roughly equivalent to a good high school education in the United States in the 1950s. Skipping all of those first two years indicates only that the student has obtained a reasonably good basic education.

About one-half million American families are now teaching their children at home. Though few of these parents have any training or experience in education and most of the texts they use are at public school grade levels, their children average in the 80th percentiles (see *Access to Energy* 24, No. 8 p 3) as compared with public school children, who average 50th percentile (by definition). Moreover, black and hispanic home school students are as high as white students, while in public schools these children average in the 20th percentiles.

Public education (tax-financed socialism) has become the most widespread and devastating form of child abuse and racism in the United States. Moreover, people who have been cut off at the knees by public education are so mentally handicapped that they cannot be responsible custodians of the energy technology base or other advanced accomplishments of our civilization. These ignorant people vote, and their votes are beginning to destroy our way of life.

Can this problem be corrected? Yes. Can it be corrected by improving the public schools? No - only by abolishing them. There are over 2 million reasons (aside from the fact that socialism does not work) why public education cannot be improved - two million education bureaucrats and educators who belong to the powerful teachers unions. These people are firmly ensconced on the over-taxed backs of the nation's property owners and have no intention of changing. (Surely there are some good and dedicated teachers in this group, but they have long since been overwhelmed by the others.)

Now, this educational establishment and the federal Administration they did so much to elect propose "Goals 2000," which will require that every worker in America have a license from the public schools - a "certificate of mastery" for his particular occupation. He may not be able to read, write, or do arithmetic, but he will have a license from the state and a thorough indoctrination in its propaganda.

Regarding our Version 2.0 self-teaching home school curriculum, we have been receiving over 50 letters and calls per day primarily from poorly educated parents who desperately want something better for their children - and who hope to learn along with their children.

I know that most technologists think that elementary education is boring - so did I. The effects of the current nationwide system of diseducation are, however, not boring. The resulting ignorance in our body politic diminishes our progress and threatens the technological base upon which we stand. This cannot be allowed to continue.

Free enterprise made possible our energy technology. Unless, however, we return free enterprise to our educational system, socialism there will destroy all that we and our predecessors have built.

SEA LEVEL AND ANTARCTIC ICE

As global warming propaganda oozes out of government schools (remember the Statue of Liberty drowning in the Atlantic Ocean?) and gushes from "public" radio, some scientists do have the courage to respond. An example is "Rapid Sea-Level Rise Soon from West Ant-

arctic Ice Sheet Collapse?" by Charles R. Bentley, *Science* 275, pp. 1077-1078 (1997). Ice that is already floating in the ocean or is below sea level with drainage to the ocean cannot, of course, cause the sea level to rise whether it melts or not - as Petr Beckmann explained in *Access to Energy* years ago. There is, however, ice in Antarctica that is above sea level and is not floating. Known as the West Antarctic ice sheet, it rests on a bed on the Antarctic continent and melts continu-

<http://votesmart.org/candidate/political-courage-test/119234/arthur-robinson/#.UlgczVHNIf9>

Arthur 'Art' B. Robinson's Political Positions

Biographical



Full Name: Arthur 'Art' B. Robinson

On The Ballot: Running, Republican for U.S. House - District 4

Primary May 15, 2012

General Nov. 6, 2012

Gender: Male

Family: Widowed; 6 Children: Zachary, Noah, Arynne, Joshua, Bethany, Matthew

Birth Date: 1943

See Full Biographical and Contact Information

See Arthur Robinson's Opponents in the 2012 Congressional Election

Project Vote Smart does not permit the use of its name or programs in any campaign activity, including advertising, debates, and speeches.

Arthur Robinson refused to tell citizens where he stands on any of the issues addressed in the 2012 Political Courage Test, despite repeated requests from Vote Smart, national media, and prominent political leaders.

What is the Political Courage Test?

This candidate has demonstrated 0% courage during the test.

*Note: This percentage is calculated based on the number of issue areas addressed by the candidate on the Political Courage Test at the conclusion of the testing period. It does not indicate support or lack of support by Project Vote Smart.

Issue Positions

In response to the increasing unwillingness of candidates to answer issue questions, Project Vote Smart has researched Presidential and Congressional candidates' public records to determine

candidates' likely responses on certain key issues. These are provided below as a courtesy to voters.

- Pro-life • **Abortion:** Do you generally support pro-choice or pro-life legislation? [-]
- No • **Afghanistan:** Do you support United States' combat operations in Afghanistan? [-]
- No • **Budget:** In order to balance the budget, do you support reducing defense spending? [-]
- No • **Budget:** In order to balance the budget, do you support an income tax increase on any tax bracket? [-]
- No • **Economy:** Do you support federal spending as a means of promoting economic growth? [-]
- Unknown Position • **Economy:** Do you support providing tax incentives to businesses for the purpose of job creation? [-]
- No • **Education:** Do you support requiring states to implement education reforms in order to be eligible for competitive federal grants? [-]
- Yes • **Energy:** Do you support reducing restrictions on offshore energy production? [-]
- No • **Environment:** Do you support the federal regulation of greenhouse gas emissions? [-]
- No • **Guns:** Do you support restrictions on the purchase and possession of guns? [-]
- Yes • **Health Care:** Do you support repealing the 2010 Affordable Care Act? [-]
- Yes • **Immigration:** Do you support requiring illegal immigrants to return to their country of origin before they are eligible for citizenship? [-]
- No • **Marriage:** Do you support same-sex marriage? [-]
- Unknown Position • **National Security:** Do you support targeting suspected terrorists outside of official theaters of conflict? [-]
- Yes • **Social Security:** Do you support allowing individuals to divert a portion of their Social Security taxes into personal retirement accounts? [-]

Key

• **Official Position:** Candidate had the Political Courage to address this issue directly.

• **Inferred Position:** Candidate refused to address this issue directly, but Project Vote Smart inferred this issue position based on the candidate's public statements, voting record, and evaluations from special interest groups.

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Unknown Position: Candidate refused to address this issue.

[~]

Project Vote Smart's Research: Click on this icon to reveal more information about this candidate's position.

Oregon Congressional Election 2010 Political Courage Test

This candidate has responded to a Political Courage Test in a previous election. As a continued effort to provide the American public with factual information on candidates running for public office, these archived responses are made available here.

(+) Expand All (-) Collapse All

• **Abortion Issues**

Pro-life• a) Do you consider yourself pro-choice or pro-life?

No• b) Should abortion be legal only within the first trimester of pregnancy?

No• c) Should abortion be legal when the pregnancy resulted from incest or rape?

Yes• d) Should abortion be legal when the life of the woman is endangered?

Yes• e) Should federal subsidies be prohibited from being used for abortion procedures?

• f) Other or expanded principles

• **Budget, Spending, and Tax Issues**

1) Spending

Indicate what federal funding levels (#1-6) you support for the following general categories. Select one number per category- you can use a number more than once.

Eliminate• a) Agriculture

Eliminate• b) Arts

Maintain Status• c) Defense

Maintain Status• 1) Intelligence operations

Maintain Status• 2) Military hardware

Greatly Increase• 3) National missile defense

Slightly Increase• 4) Salary and benefits for active duty personnel

Maintain Status• 5) Programs to improve troop retention rates

Slightly Increase• 6) Research and development of new weapons

Eliminate• d) Education

Greatly Decrease• e) Environment

Maintain Status• f) Homeland security

- Greatly Decrease● g) International aid
- Greatly Decrease● h) Medical research
- Greatly Decrease● i) Scientific research
- Slightly Increase● j) Space exploration
- Eliminate● k) United Nations
- Greatly Decrease● l) Welfare
- m) Other or expanded categories

2) Taxes

Indicate what federal tax levels (#1-6) you support for the following general categories. Select one number per category- you can use a number more than once.

- Eliminate● a) Alcohol taxes
- Eliminate● b) Capital gains taxes
- Eliminate● c) Cigarette taxes
- Eliminate● d) Corporate taxes
- Maintain Status● e) Gasoline taxes
- Greatly Decrease● f) Income taxes (low-income families)
- Greatly Decrease● g) Income taxes (middle-income families)
- Greatly Decrease● h) Income taxes (high-income families)
- i) Other or expanded categories
- Yes● 3) Do you support the elimination of the federal estate tax?
- Yes● 4) Do you support requiring the federal budget to be balanced each year?
- No● 5) Do you support using government funds in an effort to stimulate and improve the economy?
- 6) Other or expanded principles

● Business and Employment Issues

- Yes● a) Do you support privatizing elements of Social Security?
- Yes● b) Do you support reducing government regulations on the private sector?
- No● c) Do you support increasing the federal minimum wage?
- Yes● d) Do you support the ability of workers to unionize?
- No● e) Do you support federal funding for job-training programs that retrain displaced workers?
- f) Other or expanded principles

● Campaign Finance and Government Reform Issues

- Yes a) Do you support increasing the amount individuals are permitted to contribute to federal campaigns?
-

170747-100000

No● b) Should Congress regulate indirect campaign contributions from corporations and unions?

Yes ● c) Do you support removing all contribution limits on federal campaigns?

No● d) Should candidates for federal office be encouraged to meet voluntary spending limits?

No● e) Do you support giving the President the power of the line item veto for items concerning appropriations?

Yes f) Do you support limiting the President's ability to define how legislation is applied through the use of signing statements?

● g) Other or expanded principles

● Crime Issues

Yes ● a) Do you support capital punishment for certain crimes?

Yes ● b) Do you support programs that provide prison inmates with vocational and job-related training and job-placement assistance when released?

Yes ● c) Do you support programs that provide prison inmates with substance abuse treatment?

Yes ● d) Do you support reduced prison sentences for non-violent offenders?

Yes ● e) Do you support mandatory prison sentences for selling illegal drugs?

● f) Other or expanded principles

● Education Issues

No● a) Do you support federal education standards and testing requirements for K-12 students?

No● b) Do you support federal funding for universal pre-K programs?

No● c) Do you support federal funding for charter schools?

No● d) Do you support federal funding for K-12 school vouchers?

No● e) Do you support the federal government providing college students with financial aid?

● f) Other or expanded principles

● Environment and Energy Issues

No● a) Do you support enacting environmental regulations aimed at reducing the effects of climate change?

No● b) Do you support international emissions targets aimed at reducing the effects of climate change?

No● c) Do you support allowing energy producers to trade carbon credits under a "cap and trade" system?

No● d) Do you support strengthening fuel efficiency standards on all gasoline and diesel-powered engines, including cars, trucks, and sport utility vehicles?

Yes● e) Do you support domestic oil exploration in federally-protected areas?

No● f) Do you support federal funding for the development of alternative energy?

Yes● g) Do you support the development of nuclear reactors?

● h) Other or expanded principles

● Gun Issues

No● a) Do you support restrictions on the purchase and possession of guns?

Yes● b) Do you believe that the Second Amendment guarantees the right of individual citizens to own guns?

Yes● c) Do you support allowing individuals to carry concealed guns?

No● d) Do you support a ban on assault rifles?

● e) Other or expanded principles

● Health Issues

No● a) Do you support a publicly-administered health insurance option?

Yes● b) Do you support expanding access to health care through commercial health insurance reform?

Yes● c) Should the federal government expand eligibility for tax-free medical savings accounts?

Yes● d) Do you support monetary limits on damages that can be collected in malpractice lawsuits?

Yes● e) Do you support relaxing regulations on the importation of prescription drugs?

● f) Other or expanded principles

● Immigration Issues

No● a) Do you support a pathway to citizenship for illegal immigrants?

No● b) Do you support decreasing the number of legal immigrants allowed into the country?

Yes● c) Do you support establishing English as the official national language?

Yes● d) Do you support the enforcement of federal immigration laws by state and local police?

- e) Other or expanded principles

• International Policy Issues

Unknown Position

- a) Do you support United States military action in Afghanistan? [--]
- b) Do you support increasing military assistance for Afghanistan?
- c) Do you support increasing economic development assistance for Afghanistan?
- d) Should the United States continue to strike suspected terrorist targets in Pakistan?
- Yes• e) Do you support granting aid to countries when it is in the security interests of the United States?
- No• f) Should the United States support the creation of a Palestinian state?
- Yes• g) Do you support increasing sanctions on Iran if it continues to defy United Nations mandates?
- h) Do you support the withdrawal of United States troops from Iraq?
- Yes• i) Do you support the United States' involvement in free trade agreements?
- j) Other or expanded principles

I, like most Americans, do not understand the military actions in Iraq, Afghanistan, and Pakistan. These actions should be either explained rationally and adequately, or ended.

• Social Issues

- Yes• a) Should marriage only be between one man and one woman?
- b) Do you support allowing openly-gay men and women to serve in the United States military?
- No• c) Do you support federal funding for embryonic stem cell research?
- Yes• d) Should the federal government end affirmative action programs?
- e) Other or expanded principles

• Legislative Priorities

Please explain in a total of 100 words or less, your top two or three priorities if elected. If they require additional funding for implementation, please explain how you would obtain this funding.

1. The taxation, regulation, and government sponsored litigation of the American people must be greatly reduced, so that our economy can produce jobs and prosperity.

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2. Profligate government spending must end and the federal budget must be balanced.

3. American energy industries - nuclear, coal, oil, natural gas, hydroelectric, wind, solar, and other technologies - should be freed of most government regulations and allowed to compete without government subsidies or government suppression. We must allow our engineers to build the energy industry that we need, without taxpayer expense.

http://www.wnd.com/2011/03/271753/

WND.COMMENTARY

Democrats attack Republican candidate's children

Exclusive: Art Robinson details outrageous 'political payback' meant to destroy his kids

Published: 03/07/2011 at 1:00 AM

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However, when you take a stand for what's right, sometimes there is retribution.

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They initiated an attack on my three children – Joshua, Bethany and Matthew – for the purpose of throwing them all out of the OSU graduate school, despite their outstanding academic and research accomplishments. OSU is a liberal socialist Democrat stronghold in Oregon that received a reported \$27 million in earmark funding from my opponent, Peter DeFazio, and his Democrat colleagues during the last legislative session.

Thus, Democrat activist David Hamby and militant feminist and chairman of the nuclear engineering department Kathryn Higley are expelling four-year Ph.D. student Joshua Robinson from OSU at the end of the current academic quarter and turning over the prompt neutron activation analysis facility Joshua built for his thesis work and all of his work in progress to Higley's husband, Steven Reese. Reese, an instructor in the department, has stated that he will use these things for his own professional gain. Joshua's apparatus, which he built and added to the OSU nuclear reactor with the guidance and ideas of his mentor, Michael Hartman, earned Joshua the award for best Masters of Nuclear Engineering thesis at OSU and has been widely complimented by scientists at prominent U.S. nuclear facilities.

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Palmer, until recently married to a member of the OSU psychology faculty, is now married to former OSU student Camille Lodwick. They are both faculty members in the nuclear engineering department.

It is also rumored that Higley, a long-time associate of Palmer's and who is adamant that Bethany leave OSU, may dislike Bethany because of criticism Higley received when department students complained of sexual assault at wild drunken parties of OSU nuclear engineering students during taxpayer-financed trips to scientific meetings. These incidents may have been more likely because Higley had failed to report to OSU authorities an earlier instance of milder sexual harassment against Bethany, probably because Bethany – a brilliant but very mild-mannered, conservative, homeschooled Christian young lady – does not share Higley's views.

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PAGE 2 OF 5

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Professor Higginbotham, who also serves as president of the OSU Faculty Senate and director of the Oregon NASA Space Science Consortium, has been a member of the OSU faculty for 24 years. He has held many responsible positions in the university and has received numerous professional awards. Moreover, he is very widely admired for the many instances in which he has given special help to students at OSU. This is a man who thinks always of his students and never of himself.

Professor Higginbotham warned us that faculty administrators at OSU were working to make certain that Joshua, his sister Bethany and, if possible, his brother Matthew never receive Ph.D. degrees in nuclear engineering from OSU, regardless of their examination, academic and research performance. Professor Higginbotham then reviewed with us the details of the plan to destroy the education of these students and advised me to do anything I could to protect my children.

Since November, a remarkable battle has been raging within OSU. I considered an immediate public exposure of this plot and warned the faculty of this possibility, but instead my family and I decided to try to prevent a scandal at OSU and save the students within the confines of OSU. We fought these unprincipled academics on their own ground and held them off for four months. That effort is, however, now failing, and Joshua and Bethany are both slated for dismissal from the department of nuclear engineering very soon. Also, unless action is taken immediately, Professor Higginbotham's career will be completely destroyed.

Indeed, in retribution for Professor Higginbotham's efforts to protect the Robinson students from these unprincipled attacks, he personally has become the target of a campaign of defamation, vilification, persecution, Star-Chamber humiliation and other career-destroying actions orchestrated by Higley and the other people who are attacking us.

Now nearing success is a disgraceful effort to strip Professor Higginbotham of his faculty position and his research grants. His career now potentially in ruins, he is fighting back in hopes of saving himself and the positions of the students and staff who depend upon him at OSU and who may also lose their careers as collateral damage in these astonishing events.

The attack on Professor Higginbotham, if not stopped, may also destroy the graduate work of his student, Matthew Robinson. Matthew (OSU grade point average 3.91) passed up a \$57,000 per year offer from the MIT graduate school so he could join his brother and sister at OSU two years ago.

Demonstrating unanimity with the DeFazio cause, both responsible OSU deans and the president of OSU, Edward Ray, have so far failed to halt these dishonorable and illegal actions. Ray, a supporter of DeFazio on the campus, has refused even to meet with me or my son Joshua concerning these events. Knowledgeable observers have concluded that orders for the attacks on the Robinson students are coming from sources far above Ray in the Democrat political machine.

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The department is now controlled by ideologues, most of whom do not have Ph.D.s in nuclear engineering. Nepotistic husband-and-wife combinations and new hires of their own graduate students have brought the department under the control of unprincipled people who have enthusiastically participated in the attacks on the Robinson students and Professor Higginbotham – attacks that have violated numerous OSU academic rules, several laws and the most basic professional ethics.

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Phone: 541-737-2343

Fax: 541-737-4678

E-mail

Mailing address:

116 Radiation Center,
Corvallis, OR 97331-5902

Please also contact the president of OSU, Edward Ray:

Phone: 541-737-4133

Fax: 541-737-3033

E-mail

Mailing address:

600 Kerr Administration Building
Corvallis, OR 97331-2128

Here is the e-mail address of the OSU vice president for university relations and marketing, Todd Simmons.

For more information or to take further action, please visit OregonStateOutrage.com.

Please ask these people why the destruction of the academic work and careers of these students and Professor Higginbotham is so important that they are willing to sacrifice the good name of Oregon State University.

Please ask them to stop the attacks on the Robinson students and Professor Higginbotham.

If you'd like to sound off on this issue, please take part in the WND poll.

Arthur Robinson, Ph.D., the 2010 Republican candidate for U.S. Congress in Oregon's 4th congressional district, is a research professor of chemistry and co-founder of the Oregon Institute of Science and Medicine. After graduating from the California Institute of Technology in 1963 and earning his Ph.D. from the University of California at San Diego, he served as a UCSD faculty member until co-founding the Linus Pauling Institute of Science and Medicine with Linus Pauling in 1973. In 1981, Dr. Robinson, his wife, chemist Laurelee Robinson, physicist Martin Kamen, and later joined by Nobel-winning biochemist R. Bruce Merrifield, cofounded the Oregon Institute of Science and Medicine. In recent years, Dr. Robinson has also directed the Petition Project, which has obtained the support and signatures of more than 31,000 American scientists for a petition opposed – entirely on scientific grounds published in peer reviewed journals – to the hypothesis of "human-caused global warming."

Art Robinson's family is under political attack. Please help!

Saturday, March 5, 2011 at 10:02PM

[Your Name Here]

Since the November 2 election and our announcement that we would run again against Democrat Peter DeFazio in 2012, we have suffered some annoying personal and political attacks by the DeFazio political machine. While these attacks have cost us personally some time and money, they were the sort of thing that many political candidates endure behind the scenes.

Unprecedented, however, has been an effort to arrange the expulsion of my three children, Joshua, Bethany, and Matthew, from their graduate studies in nuclear engineering at Oregon State University – a DeFazio political stronghold. This attack is, so far as I know, unprecedented in American politics.

We need your help!

For the past 4 months, our lives have been so disrupted by this attack at OSU that we have been distracted from our work, including work necessary to prepare for the 2012 elections. This is the reason that you have heard so little from us since the election. We have been working to further our scientific research and have made some preparations for 2012, but not as many as we would otherwise have done.

Please read the following account. When we decided to run against DeFazio, I expected the unprincipled campaign for which he is well known. I never dreamed, however, that "political payback" would include a campaign to destroy the education, career, and future of three of my children who are outstanding graduate students in nuclear engineering at OSU.

Now, the only thing that can save them and the embattled professor who risked his career to help them is a public outcry in their favor.

Please read the following account and then, please help us with your letters, emails, phone calls, and faxes to OSU.

Please, also, accept our deepest thanks and gratitude for your support.

Art

Democrats Attack Republican Candidate's Children

By Art Robinson

Published at WorldNetDaily

<http://www.wnd.com/index.php?fa=PAGE.view&pageId=271753> on March 7, 2011

The Democrat Political Machine is Attacking Republican Congressional Candidate Art Robinson's Children and a Distinguished Nuclear Engineer at Oregon State University.

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EXHIBIT

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Please help save these students and their courageous Professor.

In an effort to do my part in rescuing our country from the out-of-control Obama administration, last year I ran for Congress in Oregon's 4th District against 12-term incumbent, far-left Democrat Peter DeFazio, co-founder of the House Progressive Caucus.

Although I won the nominations of the Republican, Independent and Constitution Parties and the endorsement of the Libertarian Party, a massive media smear campaign by DeFazio, paid for with money raised by MoveOn.org and from special interests favored by DeFazio in Washington, resulted in a 54.5 percent to 43.6 percent victory for DeFazio in a race that was expected to be much closer.

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Article originally appeared on Oregon State Outrage (<http://www.oregonstateoutrage.com/>).

See website for complete article licensing information.

EXHIBIT M
PAGE 5 OF 5

#2 Sutherlin



Eric Cole <

>

Minor Mistake

Lester, Nichole <nichole.lester@cbsoutdoor.com>
To: Eric Cole <eric@defazioforcongress.org>

Mon, Oct 22, 2012 at 12:54 PM

Hi Eric,

It has been brought to my attention that the "PAID FOR BY PETER DEFAZIO FOR CONGRESS" was not included on the artwork on the CBS billboard that is located on I-5 in Sutherlin, Oregon. It is my deepest apologies that it was my fault, for I was the one to approve the artwork and sent it off to production. It was an honest mistake with no ill intent; we are currently working on a solution to fix this mistake.

I have attached the original artwork that shows the "PAID FOR BY PETER DEFAZIO FOR CONGRESS" and was used on other CBS billboard in the state of Oregon and the artwork that was approved without the "PAID FOR BY PETER DEFAZIO FOR CONGRESS" that is currently on the Sutherlin billboard. As soon as a solution is decided I will be in contact; thanks for your understanding!

Kind Regards,

Nichole Lester

Account Executive

Eugene, OR 97404

C

O: 541.607.9355

F: 541.607.9384

E: nichole.lester@CBSOutdoor.com



EXHIBIT N
PAGE 1 OF 1



Liz Cooney <liz@defazioforcongress.org>

Attribution omission statement

David Funk <david@bellandfunk.com>

Wed, Oct 24, 2012 at 5:24 PM

To: Liz Cooney <liz@defazioforcongress.org>

Cc: David Funk <david@bellandfunk.com>, Jen Bell <Jen@bellandfunk.com>

Hi Liz,

Does this statement cover the situation adequately?

We sincerely apologize for failing to include the "Paid for by Peter DeFazio for Congress" disclaimer on the digital billboard in the Corvallis market. In a very short timeframe, we created 29 print ads that are running in 21 newspapers, 5 print billboards and 2 digital billboards. All but the digital ads in Corvallis included the disclaimer. It was an oversight on our part. Proofs of the billboard ads were sent to the client. They forwarded them to the media representative for the billboard company. Unfortunately, the client overlooked the missing disclaimer before forwarding. We were notified of the error by the client on 10/22 at 11 am and sent revised files by 12:15pm the same day.

David Funk

bell+funk
RESEARCH • BRANDING • DESIGN • MARKETING

Our new location:

44 West Broadway, Suite #210, Eugene, Oregon 97401

(541) 653-8969 | bellandfunk.com



EXHIBIT 0

PAGE 1 OF 1

Attachment 2 Response of DeFazio for Congress

FEC MUR 6846



Liz Cooney <liz@defazioforcongress.org>

FW: The DeFazio Files: A legacy of corporatism

Liz Cooney <liz@defazioforcongress.org>
To: Liz Cooney <liz@defazioforcongress.org>

Wed, Oct 24, 2012 at 7:13 PM

Peter DeFazio poses as an independent foe of special interests and "Wall Street". He claims to be "Independent as Oregon." The truth is the opposite.

Is this email not displaying correctly?
[View it in your browser.](#)

ART ROBINSON
— FOR U.S. CONGRESS —

LIBERTY WHEN IT BEGINS TO TAKE ROOT IS
PLANT OF RAPID GROWTH
GEORGE WASHINGTON

The DeFazio Files: A legacy of coporatism

Peter DeFazio poses as an Independent foe of special interests and "Wall Street". He claims to be "Independent as Oregon."

The truth is the opposite. DeFazio's FEC campaign filings show contributions from 45 Wall Street listed corporations. The filings also show 47 additional corporate and union sponsors – a total of 92 such to which DeFazio is beholden.

~~DeFazio is a textbook example of the corrupt special interest congressional corporatism~~

EXHIBIT

Attachment 2 Response of DeFazio for Congress FEC M PAGE 846 OF 4

~~that prevails in Washington.~~ This corruption, and the national resources that it absorbs, is a major reason for the economic difficulties that now beset all Americans – especially the poor and middle class.

An Independent Investigating organization has created a web presentation entitled the "DeFazio Files: A Legacy of Corporatism." The presentation includes a graphic with detail about each corporate connection. The web link is www.DCSleuth.com

This link provides not only much sound factual material, but also comment that is obviously anti-DeFazio. Some of this material is controversial. Our campaign does not endorse everything in this web link. ~~The link does, however, correctly expose the true nature of the DeFazio congressional office, which is a combination of liberal socialist policies implemented by unprincipled corporatism.~~

We appreciate the efforts of DCSleuth.com, and we encourage you to support their work and pursue similar efforts, yourself. Together we can make a difference.

Many DeFazio voters support his representation because of his liberal socialist agenda. ~~If, however, they also knew the extent of his corrupt corporate activities, which are the primary way in which he enriches himself politically and personally, they would likely change their minds. That's one reason why efforts like DCSleuth.com are so important... they expose links between Big Government and Big Corruption.~~

We use the word "corruption" here. Mr. DeFazio is corrupt. Let us explain, by example, exactly what we mean:

When a special interest lobbyist (corporate, union, or otherwise) visits a congressman, the conversation should go in this way:

Congressman: "It's nice to see you Henry. Give my regards to your wife and family. I greatly enjoyed seeing you all at the event last month.

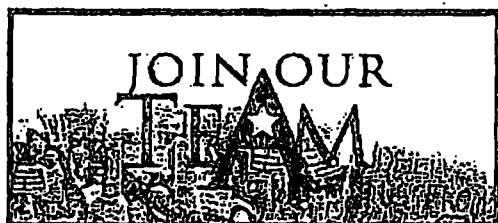
"Regarding, however, this special favor you are requesting for your client, it is unconstitutional. Since I am sworn to uphold the Constitution, it would be wrong for me to give your client the public money and preference he desires. I cannot help you. Have a nice day."

Instead, in DeFazio's office and in many other congressional offices, the congressman's reply is,

EXHIBIT P
PAGE 2 OF 4

Congressman: "Good idea Henry. Let's make a deal."

As hundreds of such deals are made by DeFazio, he builds a war chest of special interest campaign donors whose cash enables him to remain in office. As thousands of such deals are made all over Capitol Hill, the American people are gradually sold out to the "winners" picked by corrupt politicians. Those interests that don't make such deals become the "losers." Along with the American people.



Become A Volunteer!

People just like you are helping bring honesty and integrity back to Washington D.C. Meet new people, have fun, support the cause, make a difference in 2012!

[Click here to become a volunteer.](#)



Donate Today

Every contribution, no matter the size, will help us spread the message. With your continued support we expect nothing short of victory in November.

[Click here to make a donation.](#)

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Liz Cooney <liz@defazioforcongress.org>

FW: Taxation Without Representation

3 messages

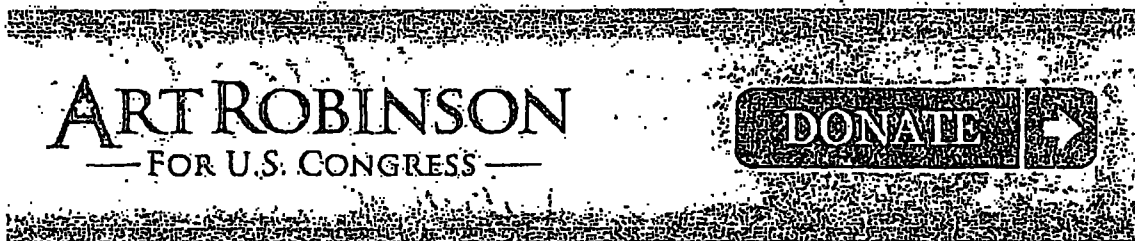
Fri, Jun 1, 2012 at 9:31 AM

TODAY is the last day to participate in Art's money bomb.

Is this email not displaying correctly?
[View it in your browser.](#)

Today is the the last day to participate in our "Momentum Money Bomb." If you have not already [please click here to make a contribution of any size!](#)

Below we have included an important message we sent our supporters yesterday:

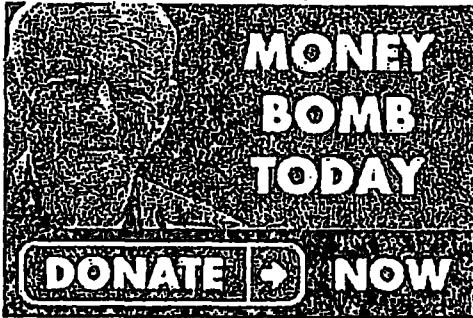


America's experiment in government has led to a level of individual liberty never before achieved in history. We should, however, not hold this level of liberty as our litmus test. We should always strive for the highest amount of individual liberty possible. Unfortunately, the founder's vision of a self governing republic is under attack by a small group of "planners" and "do-gooders" in Washington D.C.

Our problem is not the 1%; it is not the 99%; it is the 0.001% in Washington who want to control

EXHIBIT Q
PAGE 1 OF 10

the lives of all 100%. They seek to enslave us all.



The planners feel they are smarter than us and that they must save us from ourselves... So they create their departments, they over-regulate our businesses, tell us what we can consume, what we can do in our own homes, what type of medical care we're allowed, they've even gone so far as to redistribute our wealth.

Worse still they've done so at a great cost; our children and grandchildren will be forced to pay down our unsustainable national debt. If this isn't taxation without representation what is? We must stop this now!

People are ready to get back to an America as envisioned by our founders.

Because of this, our message of limited government and individual liberty is resonating with "We the People" and has created a huge amount of momentum behind our campaign.

We need you to stand with us more now than ever so that we can strike while the iron is hot!

Our grassroots supporters have scheduled a money bomb TODAY!

Will you help us continue the momentum by making a donation of \$25, \$50, \$100, \$250, \$1,000, or the maximum of \$2,500 right now.



Support Art Today!

You see our opponent is one of the most leftist "do-gooders" in Congress, even more radical than Obama himself. DeFazio calls on Obama to "act more like a Democrat" and he opposed Obama's stimulus bill ... because it didn't contain enough spending or tax increases.

He goes to great lengths to style himself as a populist hero but the only "solutions" he offers are bigger government, more spending, and higher taxes.

~~DeFazio's solutions benefit the crony capitalists and special interests that fill his campaign coffers, not the taxpayers whose pockets he is emptying. These solutions are in effect a transfer of wealth from American citizens to his special interest buddies.~~

On September 15, 2011 DeFazio told the New York Times, "I have been very unequivocal. No more tax cuts," and in an April 11, 2011 msNBC interview he calls for tax increases for "working families" and large tax increases for "wealthy" Americans.

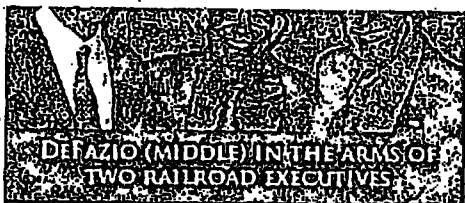


Why is DeFazio opposed to tax cuts? Because DeFazio wants you to think he knows how to spend your money better than you do so he can give it to his corporatist buddies who will return the favor with large donations to



EXHIBIT ^Q

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DeFazio's campaign committee. For instance on the House floor on June 22, 2011 DeFazio blatantly begs for more graft: "How about instead of more tax cuts ... how about \$220 billion of real investment in our

crumbling national infrastructure?"

DeFazio's so-called \$220 billion "real investment in infrastructure" would go straight to those who fund his re-election campaigns.

Through March 31, 2012, 50% of the campaign contributions made to DeFazio came directly from Wall Street, corporate and other special interest groups for whom he does favors with taxpayer resources.

Unlike DeFazio we rely on contributions from individual supporters such as yourself to fund our campaign. Please click here to contribute during today's moneybomb.

Even money DeFazio purportedly receives from "individuals" is crony capitalism in disguise. During a recent DeFazio FEC report of \$10,400 in contributions from individuals (May 2, 2012), \$7,400 of DeFazio's "individual" contributions actually came from corporate executives; \$2,000 came from an executive's wife; and \$1,000 from a "retired" executive.

These corporations receive special treatment from DeFazio at public expense. In two cases, high executives in the corporations are disguised in the FEC report as mere workers, when they are actually CEOs of the corporations. This sort of shenanigan is hidden corporatism or crony capitalism.

In this 2012 campaign Art has been 100% funded by contributions from concerned individuals.

We cannot afford to send Peter Defazio back for a 14th term in the U.S. House. The Big-government "solutions" promoted by DeFazio lead to higher costs, lower quality and ultimately to failure. America's prosperity has its roots in voluntary choice and freedom.

If the momentum our campaign has built so far continues, Art will replace DeFazio and vote to stop the swindling of Americans by corrupt Washington politicians and work to restore our lost liberties.

But for this momentum to continue, and for Art to win, we need your financial help today!



Support Art Today!

For Our Country,
Art Robinson for Congress Campaign

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Attachment 2 Response of DeFazio for Congress FEC MUR 6846

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4 OF 17



Liz Cooney <liz@defazioforcongress.org>

5/25/12-----Fwd: Starting off with a bang

Liz Cooney <liz@defazioforcongress.org>
To: Liz Cooney <liz@defazioforcongress.org>

Tue, Oct 23, 2012 at 3:32 PM

Because of supporters like you we've already achieved many outstanding things in this campaign.

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Art Robinson for U.S. Congress

Continue the Momentum

The 2012 Art for Congress Campaign has started off with a BANG!

Because of supporters like you we've already achieved many outstanding things in this campaign:

- We received more than 97% of the vote in the primary.
- Art released his new book Common Sense in 2012 and we've raised over \$150,000 in order to distribute copies to swing voters.
- Our Facebook page has over 120,000 followers and is continuing to gain new supporters.
- The campaign's website has received over 20,000 unique visitors this year.
- Art has spoken at dozens of events so far and will speak at hundreds before November.
- Thousands of campaign signs and car magnets have been made and will be distributed by volunteers starting this summer.
- The campaign has been featured in the national and local print press and on

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radio and TV stations.

With the primary election behind us we are setting our sights on another victory in November but we cannot win without your continued financial support. That is why we are announcing a "Continue the Momentum" money bomb this Monday 5/28/2012. We are allowing people on our e-mail list to make early contributions to the money bomb TODAY! Click here to make a contribution of \$10, \$25, \$50, \$100, \$250, \$500, \$2,500 or whatever you can afford right now and it will be included in the money bomb total.

[Click here to donate!](#)

In this 2012 campaign Art has been 100% funded by contributions from concerned individuals across this country. On the other hand, DeFazio continues to fill his campaign's pockets with the money of special interests with the help of extreme leftist groups like MoveOn.org and radicals like Rachael Maddow.

~~Even money DeFazio purportedly receives from "individuals" is crony capitalism in disguise.~~ During a recent DeFazio FEC report of \$10,400 in contributions from individuals (May 2, 2012), \$7,400 of DeFazio's "individual" contributions actually came from corporate executives; \$2,000 came from an executive's wife; and \$1,000 from a "retired" executive.

~~These corporations receive special treatment from DeFazio at public expense.~~ In two cases, high executives in the corporations are disguised in the FEC report as mere workers, when they are actually CEOs of the corporations. This sort of shenanigan is hidden corporatism or crony capitalism.

With your help and the help of other true individual supporters of liberty like you, we can beat back these forces working to make America less free.

Please help us make this effort a success by making an early contribution TODAY. Click this special link that will be counted towards Monday's total.

Remember prominent people and organizations such as the newspaper Human Events are predicting a win for Art Robinson this November so it is very important we make sure that we have the funds we need to take on Peter DeFazio and his big government buddies back in D.C.

Please make sure to click here to make an early contribution to the money bomb today (this donation will be counted towards Monday's money bomb total).

Thanks again for your continued support and dedication to our campaign.

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Become a Volunteer!

Become A Volunteer!

People just like you are helping bring honesty and integrity back to Washington D.C. Meet new people, have fun, support the cause, make a difference in 2012!

[Click here to become a volunteer.](#)

Donate Today!

Donate Today

Every contribution, no matter the size, will help us spread the message. With your continued support we expect nothing short of victory in November.

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Attachment 2 Response of DeFazio for Congress FEC MUR 6846

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Liz Cooney <liz@defazioforcongress.org>

5/16/12---Fwd: FW: Matthew Robinson and Beer

1 message

Tue, Oct 23, 2012 at 3:28 PM

I am delighted with Matthew's campaign and with his result. He gave Democrats in District 4 an opportunity to vote for a young man who is 1,000 times more principled and capable than Mr. DeFazio.

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Art Robinson for U.S. Congress

Matthew Robinson and Beer

The Democrat newspapers are busy spinning DeFazio's "win" over Matthew in the Democrat primary as a great victory. Actually, the DeFazio people are very alarmed.

Matthew won 20%, 17%, 16%, 15%, 13%, 7%, and 6% of the Democrat votes in Josephine, Linn, Coos, Douglas, Curry, Benton, and Lane counties, respectively. Matthew's overall percentage was twice the Democrat registration edge in District 4. If we win this much of the Democrat vote in November and don't lose too many Republicans and Independents, we will win the election.

In order to do this well at all, DeFazio threw a very expensive campaign of lies at Matthew. Matthew's campaign consisted of a few speeches and one excellent campaign flier that he wrote. This was all he could afford. Thanks to all of you who helped him pay for this!

But, how is this related to beer? Well, beer company executives paid for part of DeFazio's unprincipled campaign against Matthew.

You see, while loudly calling for higher taxes on the rich, DeFazio co-sponsored a bill (HR 4278, 111th Congress) to lower taxes on beer companies. So, as is customary, numerous beer interests are giving DeFazio campaign cash. Taxes should be lowered on everyone. Taking campaign cash in exchange for lowering special interest taxes is corrupt. (I personally like beer. But, I dislike corruption.)

Corruption in Washington has become so pervasive that deals like this are considered just business as usual. DeFazio's corruption makes no headlines because self-serving deals with lobbyists are so common.

The U.S. tax code is 60,000 pages. Why? It certainly does not take 60,000 pages to describe the taxes that ordinary Americans are required to pay. It takes a lot of pages to cover the deals that members of Congress have made to manipulate the tax system in favor special interests that give them campaign cash in return.

I am delighted with Matthew's campaign and with his result. He gave Democrats in District 4 an opportunity to vote for a young man who is 1,000 times more principled and capable than Mr. DeFazio.

Now, I just have to figure out how to get Matthew to endorse me and ask his voters to vote for me in the general election! (Actually, he has already agreed to do so.)

Art Robinson

Become a Volunteer!

Donate Today!

Become A Volunteer!

Donate Today

People just like you are helping bring honesty and integrity back to

Every contribution, no matter the size, will help us spread the message. With

Washington D.C. Meet new people,
have fun, support the cause, make a
difference in 2012!

your continued support we expect nothing
short of victory in November.

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Liz Cooney <liz@defazioforcongress.org>

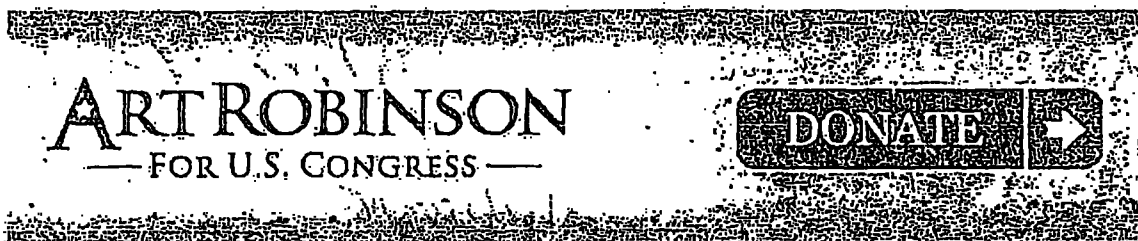
FW: DeFazio claims that YOU are a Millionaire

1 message

Sat, Jul 21, 2012 at 12:56 PM

DeFazio's e-mail alone should disqualify him from holding public office. As a 25 year career politician, he knows that it is impossible ...

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Dear Friends,

Did you know that you are millionaires? This is probably news to you, but Peter DeFazio is using this claim to raise money.

In an e-mail sent out by DeFazio this morning (July 20, 2012 at 11:00 AM), DeFazio laments the fact that we outraised him this quarter and claims "Art Robinson's ultra-wealthy friends outside of Oregon opened up their wallets, and poured money into his campaign". He then goes on to refer to our contributors as a "handful of out-of-state millionaires and billionaires".

Of course, DeFazio is lying to potential donors to his campaign. His e-mail (which is short) actually contains at least 6 different falsehoods about us.

Supporters like yourself are the actual source of our contributions - so you must be the "millionaires and billionaires". The "handful" this time was actually 1,562 Americans of

ordinary means, whose contributions averaged \$110 each.

We usually outraise DeFazio when just contributions from individuals are counted. This time, because of your generosity, we managed to raise a little more than him even including all of his special interest money. DeFazio had \$645,000 in his bank account as of June 30th, so he still has far more more campaign funds than we do.

DeFazio's e-mail alone should disqualify him from holding public office. As a 25 year career politician, he knows that it is impossible for a handful of people to "pour" money into a congressional campaign. Contributions to campaigns are limited, by law, to \$2,500 per individual (special interest PACs can give up to \$5,000 but we received no PAC money this quarter).

Since we started our campaign against Peter DeFazio, we have received more than 15,000 individual contributions from grassroots supporters like you. Most of these are in small amounts. More than half of the contributions we have received have been \$50 or less.

~~We do have nationwide support, which helps to partially offset the out-of-state special interest support that DeFazio receives. (He has received more than \$518,000 in campaign contributions from mostly out-of-state Wall Street listed corporations and other corporate and industry groups that he does improper favors for in Washington.)~~

About 43% of our contributions come from Oregon residents and 99% of the rest is from concerned individual contributors (not corporations and special interests) all across America who recognize that a congressman's actions affect all Americans and not just those in his district.

I talk to many supporters every day. They have told me countless times "I wish I could contribute more to your campaign, but we just can't afford too". Many of them then go on to tell me that they will send \$25 next month anyway. Of course, I always explain that what we need is to get our message out, and, if they can talk to a few friends and neighbors, that is even more valuable to us than money - since we actually need votes to win. I often find myself telling them not to send money if they can't afford it.

Unfortunately, we must raise the funds to run a successful campaign, or Peter DeFazio's actions are going to continue to cause all Americans, including the citizen's of Oregon District 4, to become poorer.

Our campaign, although generously supported by individuals like you, has always been underfunded. We find ways to economize and work mostly with volunteers (who

a lot of fun!) in order to make up for it - but some things have to be paid for.

~~We MUST replace DeFazio. Our country can no longer afford to have corrupt politicians like him in office.~~

Best Regards,

Noah

P.S. If you can afford to help, please do so (www.ArtForCongress.com) - your contributions are extremely important to us. This won't actually make you into a millionaire, but if we can get rid of DeFazio and the other dishonest career politicians like him, we will all be better off.



Support Art Today!



Become A Volunteer!

People just like you are helping bring honesty and integrity back to Washington D.C. Meet new people, have fun, support the cause, make a difference in 2012!

[Click here to become a volunteer.](#)



Donate Today

Every contribution, no matter the size, will help us spread the message. With your continued support we expect nothing short of victory in November.

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KVAL 13 - Eugene, Oregon[Print this article](#)

Robinson to DeFazio: 'You are a dishonorable liar'

Originally printed at <http://www.kval.com/news/local/105230658.html>

By Glen Beeby KPIC News October 18, 2010

ROSEBURG, Ore. -- It was a sellout crowd at the Douglas County Fairgrounds for the Roseburg Chamber of Commerce debate Monday afternoon, with everyone wanting to hear from all of the candidates for the 4th Congressional District.

There were several supporters of democratic incumbent Peter DeFazio, as well as several for the republican challenger Art Robinson.

They were also joined by a green party candidate Mike Beilstein of Corvallis.

Topics that were brought up ranged from social security to timber issues, and the hotly contested health care bill.

Robinson spoke against the health care bill and his opponent's vote, saying, "The record of government, I think speaks for itself. 300 new bureaucracies who will decide who will be sick and who will be well, who will live and who will die. That is not compatible with a free country."

DeFazio defended his Yes vote on the health care bill, saying he made Medicare for Oregonians more fair, as well as not allowing insurance companies to take advantage of people. "Have you ever been to your doctor when they want a procedure, and they say, 'Oh well, we got to have someone call the insurance company to get that procedure?' Do you know anyone who has ever gotten their policy cancelled because they got sick? It's a dirty little thing called rescission, the industry has done it, that is now outlawed," said DeFazio.

The debate did get testy at certain points, when Robinson complained several times that the event was not opened to the public, and some of his supporters were turned away because the event was only for chamber members and their guests.

There was also a heated moment during DeFazio's closing remarks, when he made accusations about Robinson's record. Robinson interrupted him, saying DeFazio was taking it out of context.

They both called each other liars, and there were cheers and boos from the crowd.

After the debate, as he walked away from the table, Robinson let DeFazio know how he felt. Next
Attachment 2 Response of DeFazio for Congress FEC MUR 6846

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10/24/2012

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of them seemed to realize the mic was still on as Robinson told DeFazio, "Let me tell you something, you are a dishonorable liar."

Fazio replied. "Sir, you're pathological."

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Liz Cooney <liz@defazioforcongress.org>

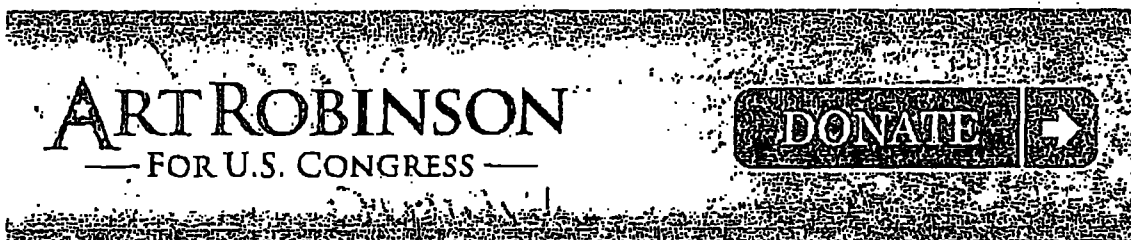
FW: Art Robinson Calls Out Peter DeFazio

1 message

Sat, Jul 21, 2012 at 1:08 PM

"The public already knows, Peter, that you are a liar. Do you really want to be known as a coward, too?"

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Art Robinson Calls Out Peter DeFazio

"The public already knows, Peter, that you are a liar. Do you really want to be known as a coward, too? Why don't you stand up and debate me in events in which we ask each other questions and the public – freely admitted to the event – evaluates our answers? If you can overcome your fear; if you can face me man to man in actual, timed, back and forth debates of the real political issues – rather than continuing to hide yourself behind "moderators" and "forums" where rules made by you and your friends protect you from your opponent, you might at least rise to the level of a courageous liar – a level considerably higher than your current situation."

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Attachment 2 Response of DeFazio for Congress FEC MUR 6846

~Art Robinson

(See full letter to DeFazio below.)

July, 18, 2012

Congressman Peter DeFazio

P.O. Box 1316

Springfield, OR 97477

Dear Congressman DeFazio,

Your recent "reply" to my debate challenge is just more of the same sort of falsehoods and cowardice that we have come to expect from you during the past two years. You are apparently unable to tell the truth even long enough to arrange debate events with your opponent.

On June 7, 2012 on the floor of the U. S. House of Representatives, you yelled and pointed at a Marine Corps veteran, Congressman Paul Broun, and claimed to all listeners that he hates his country. When this Marine challenged your claim, you compounded your lie with yet another lie in a failed attempt to escape from the truth. Afterward, you refused to apologize to him and branded the other concerned congressmen as "idiots." (See www.politico.com, June 8, 2012)

I know how this Marine must feel. For two years you have told one lie after another about my family and about me in your attempt to ruin our personal and professional reputations. In my book Common Sense in 2012 (which is now in the homes of a majority of District 4 voters and which you claim to have read), I list 15 specific falsehoods that you have told about us during your ongoing smear campaign – and I provide answers to your claims.

Also, of course, you continually misrepresent political issues, too. The truth, when known and understood by a majority of the voters, will end your political career.

Consider just three examples.

Gasoline prices. I would like to ask you about your co-sponsorship in Congress of H.R. 1683 on April 2, 2009. This bill would amend the IRS code to gradually raise taxes on motor fuels in the United States, through a permit system, until the use of motor fuels by Americans is reduced by 80% – reduced to one fifth of the fuel used now. How are Americans going to adapt to a one-fifth ration of motor fuel?

This tax would cause the cost of gasoline to skyrocket to more than \$10 per gallon and possibly as high as \$20 per gallon. Yet, simultaneously with cosponsoring this bill, you loudly complain that gasoline prices are too high and claim that you are working to reduce those prices. How does H. R. 1683 reduce prices?

Education. I would like to ask you about your "no" vote against amending H.R. 2556 on September 5, 2003, to provide school vouchers for Washington, D.C.'s mostly African

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American students? Parents want these vouchers so that their children can attend the better schools. Fortunately, the bill passed over your "no" vote, and, as a result, the high school graduation rate of these mostly poor and disadvantaged minority students increased and the cost of educating them decreased. Yet, when the voucher program was up for renewal under H.R. 471, you again voted "no" on March 30, 2011 in another failed attempt to kill this program. Why do you still oppose this successful education program for D.C. students?

You have also voted against merit pay for teachers, teacher testing, tenure reform, charter schools, education savings accounts, and state waivers from federal rules. Why do you (and the big education monopoly you pander to) oppose these attempts to improve American schools?

During my lifetime in education at the K through 12, college undergraduate, and university graduate school levels, I have taught many thousands of students. So far as I know, you have never taught a single student. Yet, you constantly claim that I am anti-education and that you are pro-education. (You buttress your claims about me by word-searching the large amount I have written during a lifetime in education and pulling out of context tiny bits and pieces, while ignoring the rest.) In a free discussion about education between the two of us, your duplicity would be immediately apparent.

Wall Street. I would like to ask you about your many campaign advertisements and fund raising letters in which you continually claim to be "targeted" for defeat by Wall Street and paint me as a Wall Street shill.

During your campaigns against me, you have received (as of April 2012) \$264,499 in campaign contributions from 45 Wall Street listed corporations; \$254,100 from 67 other corporate and industry groups; and a great many large "individual" contributions from Wall Street CEOs (the exact numbers are uncertain because many of these are disguisable under FEC rules). My contributions from these sources total only \$3,000. (You also complain that independent expenditures favor me, but neglect to mention your own extensive independent expenditure help.)

The only Wall Street targeting of you that I see is the hundreds of thousands of dollars in campaign cash that you receive from Wall Street in return for your misuse of taxpayer money and congressional power to do favors for these corporations and special interests.

If you ever face me in real debate – a prospect that apparently frightens you, you will be asked about your lies and smears of my family and me. And, you will be called to account for your real record in Congress and your poor representation of Oregon voters. The three issues listed above are just examples of many more, of which you are well aware.

You simply do not have the courage to face my questions and to question me in a format where we both can freely and completely respond.

During this year's primary election, you even refused to face a 24-year-old OSU graduate student, Matthew Robinson, in one-on-one open public debate. Instead, you spent more than \$100,000 smearing his reputation, including arranging the filing with the Oregon

Secretary of State and nationwide publication of false claims about him and his family during the primary voting – lies that were, of course, disproved (and rejected by the Secretary of State) after the voting was over.

There should have been not one, but 10 or more students challenging you in that primary. There should have been so many students on the primary ballot that voters would have had trouble finding your name. Your policies in Washington are seriously damaging the future prospects of all of the students at OSU.

The public already knows, Peter, that you are a liar. Do you really want to be known as a coward, too? Why don't you stand up and debate me in events in which we ask each other questions and the public – freely admitted to the event – evaluates our answers? If you can overcome your fear; if you can face me man to man in actual timed, back and forth debates of the real political issues – rather than continuing to hide yourself behind "moderators" and "forums" where rules made by you and your friends protect you from your opponent, you might at least rise to the level of a courageous liar – a level considerably higher than your current situation.

In my debate challenge to you this year (appended below and posted on our campaign web site at www.ArtForCongress.com), I tried to make this easier for you. I offered to attend one of the "forums" staged by your friends for each real debate you participate in with me. I suggested that you choose four event sponsors and I choose four (one in each of the seven District 4 counties and one in Portland).

You could continue to read your pre-prepared answers to softball questions selected by your friends in the "safe" environment that you prefer – at half of the events. In the other half, you would need to summon the courage to face your opponent one-on-one in real debate and without the protection of your friends.

Your recent "answer" to my challenge is typical.

You gripe about "partisan" sponsors and refuse my challenge. Yet, in your letter, you list five sponsors that you prefer, at least four of which are partisan. You say that you have accepted these five events. Apparently you are in planning discussions with these people. Three of them have not contacted me.

Let's simplify this.

You choose one sponsor Mr. DeFazio – any sponsor, any format, any place, any time. I will be there. I will also choose one sponsor and one format. We will agree to attend both. If you have the courage to face me more than twice, we'll each pick another set of sponsors.

In the case of your pick, you can have it any way you wish (so long as the public is not prevented from freely observing the event – as you did in one event in 2010) – designer questions, rules against discussions of topics not satisfactory to you and your sponsors, rules against standing while speaking, excessive time spent with candidates of "minor" political parties who favor your views, etc., etc. You can have it all.

In the case of my pick, you will probably find yourself in open debate of the issues between yourself and your opponent – fairly timed so that each of the two candidates has

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equal time to question his opponent and answer questions put to him. You will not be able to hide behind a moderator. After that formal debate – an American custom that dates back at least 200 years and is today participated in by high school and college debaters throughout our country, we can both respond to audience questions (again timed to be fair to both of us).

And, if I may suggest, try something new. Try to tell the truth. Your recent letter says that my proposal "deprives residents of the 4th congressional district of . . . audience questions" and that "voters should be able to ask questions." You imply that I want to avoid audience questions. Yet, my challenge to you suggested that the formal debate "be followed by questions from the audience alternated and timed to be fair to both of us." You letter misrepresents my challenge in several additional ways. You apparently hope that the public will read your letter (and not mine, reproduced below) which you, of course, have published widely.

You also complain about my suggestion that you accept Lars Larson's challenge to both of us (which I have already accepted). You have no problem with Lars. You have appeared on his program many times. He treats you fairly and charitably. Your problem is that he has offered you and me three full hours of radio airtime to debate our differences. It is me you fear, not Lars. You are absolutely afraid to appear in free and open debate with me, and you know that Lars will likely permit that debate.

One of your five proposed sponsors is KOB television, a well-known partisan media outlet that is favorable to your side of the political issues. Fine, Mr. DeFazio, let's go unedited (just the two of us) on live KOB television – providing that we accept Lars Larson's offer of a live radio program, too.

You, Mr. DeFazio, still have many supporters in Oregon. Many of them seem to prefer your policies of over-taxation, over-regulation, and over-indebtedness in Washington. They may prefer the big government socialism that you represent. Most of them, however, do not really know your views and do not fully understand the effects of your actions on their personal lives.

Most Americans have, on the other hand, a visceral dislike of liars and cowards. These are not personal characteristics that they want to see in their congressional representatives.

In 2010, you managed to avoid the real political issues by means of a million dollar media campaign of lies about your opponent and his family. This strategy against a new, publically unknown opponent was unprincipled but partially successful. You won the election, but lost – for the first time in your 24 years in Congress – in four counties (Josephine, Curry, Douglas, and Linn) and approximately tied in Coos County. You came closer to losing your office than in any other election in your 25 years as a career Washington politician – and your approval rating among the voters dropped precipitately. This time, in 2012, you need to debate the issues. If you continue your 2010 campaign of smears and falsehoods (as your advertisements so far indicate you plan to do), it is

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own personal lack of character that will become the primary issue.

Stand up with courage, Mr. DeFazio. Debate the real issues one-on-one with your opponent. Why not give Oregon District 4 voters a gift of honesty and openness this time, rather than hiding behind just another false advertising campaign?

Art Robinson

Appended Robinson original challenge to DeFazio:

To: Peter DeFazio May 17, 2012

Debates between the candidates are very important in giving the opportunity for the voters to see the candidates and evaluate them. The voters deserve in-depth debate between the candidates that involves a detailed discussion of the issues with more than just sound-bites and bullet points.

During 2010, I repeatedly urged that you and I schedule real debates – one in each of the seven counties of Oregon District 4. You refused and eventually arranged for four “forums” sponsored by organizations of your choice – which we ultimately attended.

For 2012, it would be much better to hold real debates. A format similar to the one I suggested last time would be ideal, in which we alternate speaking in intervals with only a time keeper. This could be followed by questions from the audience alternated and timed to be fair to both of us. One debate in each of the seven counties would be ideal and give every voter a chance to attend. Choice of a time keeper, exact details of the debate, as well as scheduling would be easy to work out between our campaigns.

If you want to hold “forum” events in addition to these, I would, of course, be happy to attend as long as they are open to the public.

If, however, you still refuse to hold real debates yourself, then I suggest our events be arranged as follows to be fair to both campaigns.

1) The DeFazio and Robinson campaigns cooperate in working out a joint event schedule for these appearances.

We plan eight appearances – one in each of the seven counties in the District and one in Portland.

The Portland event be the one that Lars Larson has already proposed. (Given his stature, neither campaign can afford to turn him down.)

Each side chooses the sponsors for four events. (One of our four can be Lars.) So, you would be choosing four sponsors and we would choose three plus Lars.

We simply alternate. You choose one sponsor in one county; we go next; and so on. Each choice must be from the counties not yet scheduled. You go first. We alternate until seven are chosen.

2) The format etc. of each event be entirely up to the sponsor. Some may be more “forum” like and some may be more “debate” like. This is up to the sponsors. They set the rules. (We assume that the campaigns will be talking with their sponsor choices about this and probably advising them. That is OK with us.)

All events be freely open to the public and held in large enough rooms to accommodate the crowds that are likely to come. Judging from 2010 and allowing for the increased

interest now, we would expect between 500 and 1,000 at each event. Rooms that seat 600 to 800 and have room for a substantial standing overflow should suffice. (This should be no problem except in the case of Lars, whose facility is smaller. In his case, the radio broadcast suffices.) We should work out a plan so that the seating arrangements do not favor either side.

It be recognized that these are "campaign" events. Campaigning, handing out literature, etc. before and after you and I are engaged and speaking will be welcomed, but no audible distractions will be permitted during the speaking. (The usual admonitions to hold ordinary applause, etc. will likely be made – and fail as usual.)

The events be about 2 hours long.

Seating near the speakers be arranged so that it has approximately equal numbers of partisans from each side.

The events be a week or so apart, with alternation of the seven sponsors in an order agreed to by the campaigns. Lars fits his event in whenever it is convenient for him.

Art Robinson



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The Truth-O-Meter Says:



Say Oregon Reps. Peter DeFazio and Earl Blumenauer are "socialists who are openly serving in the U.S. Congress."

Bloggers on Friday, August 12th, 2011 in web pages

Bloggers claim Peter DeFazio and Earl Blumenauer are socialists

Democratic Rep. Peter DeFazio has been called a lot of things over his 12 terms in Congress -- hot head, visionary, renegade, principled, effective and determined.

Now, if a burst of activity on websites and blogs in recent weeks is to be believed, DeFazio is something else -- a socialist.

And he's not alone. The posts, all of which piggyback from a single offering that has been replicated on dozens of websites in recent weeks, says there are 70 card-carrying Socialists in the House of Representatives, including Rep. Earl Blumenauer, another Democrat from Oregon. (The number actually varies. Some posts say 70 while others insist it's either 73 or 76. One post used both 76 and 75 in the same entry.)

An Aug. 12 post on the website for a group called Sovereign Citizens United mentions DeFazio and Blumenauer by name. It also says this: "I'm sure if you asked random people on the street if we had open socialists in the US Congress, they would say -- well only Bernie Sanders (Senate). But the right answer is much, much worse."

"This should come as a surprise to absolutely no one," says an Aug. 16 post on ConservativeByte.com. "The radical Marxist-progressives (communists) took control of the Democrat party some time ago. They've only become more emboldened with the election of Barack Obama, who was raised as a communist from birth."

In case you miss the point, the post comes equipped with a large and very bright hammer and sickle emblem.

While most of the names politicians are called are opinions, calling a congressman a Socialist sounds both emphatic and exact, which always gets our attention here at PolitiFact Oregon.

Another thing that gets our attention is when a claim gets spread far and wide. This one meets that test, too.

Here's a blog post on Aug. 17 by Texas radio host Dan Cofall, whose show airs out of Fort Worth:

"The magic number '70' is the number of members of the 111th Congress who are members of the Democratic Socialists of America (DSA). These are not just politicians who vote left of center; these are card-carrying members of 'The Democratic Socialists of America'."

Cofall did not respond to an email asking for comment. And we couldn't reach anyone from ConservativeByte.

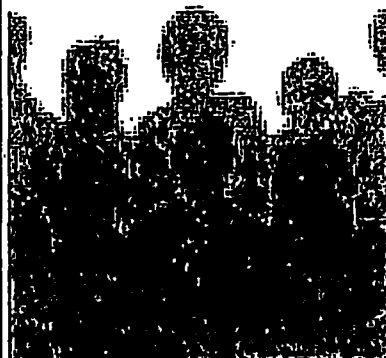
Before we get to our ruling, let's begin with some basics. Congress resets itself every two years, which means the current edition is the 112th Congress, not the 111th. Why does that matter? Because the new Congress that begins in January every two years always follows an election and some of the people on the list are no longer in office.



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Bloggers are spreading a list of so-called socialists in Congress.



About this statement:

Published: Monday, August 29th, 2011 at 5:03 p.m.

Subjects: Candidate Biography

Sources:

Phone interview; Frank Llewellyn and Maria Svart, Democratic Socialists of America, Aug. 22.

Website, Congressional Progressive Caucus

Email exchange, office of Rep. Peter DeFazio, Aug. 18

Email exchange, office of Rep. Earl Blumenauer, Aug. 18

The Wall Street Shuffle, website for talk radio hosts Dan Cofall and Dan Stewart, Dallas-Ft. Worth, Tex.

Website, Aug. 12, Sovereign Citizens United

Written by: Charles Pong

Researched by: Charles Pong

Edited by: Dee Lane

How to contact us:

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Cofall acknowledges this but then continues to list names from the 111th Congress anyway. Those listed as "card carrying" socialists who are no longer serving include: Robert Wexler (Florida), Phil Hare (Illinois), John Hall (New York), Alan Grayson (Florida), and Neil Abercrombie (Hawaii).

■ In the Oregonian

Then there's this: Real card-carrying Socialists say those members, including DeFazio and Blumenauer, aren't Socialists.

The list that Cofall and dozens more rely upon "is completely fraudulent," said Frank Llewellyn, who served as national director of the Democratic Socialists of America for 10 years until stepping down July 5.

There is not one member of Congress who is a formal member of the DSA, Llewellyn said. In order to join, a person must fill out a form and pay dues. Even Vermont Sen. Bernie Sanders, a self-described democratic socialist, is not a formal member of the DSA, Llewellyn said.

The last member of Congress who was an actual card-carrying member, he said, was California Democratic Rep. Ron Dellums, who served 28 years in the House until leaving in 1998.

Llewellyn and DSA's new national director, Maria Svart are chagrined for two reasons. First, they have to spend time knocking down reports that never seem to go away.

Second, Llewellyn said, "If we had formal political relationships with 70-odd members, we would be making a lot more money" from dues.

For the record, both DeFazio and Blumenauer say they've never been associated with the Democratic Socialists of America.

"This is another made-up Internet rumor that has no merit," DeFazio said.

"I am a proud Democrat who has taken many independent stands over the years. I am anti-so called free trade, pro-American jobs, pro-infrastructure investment, pro-fair taxation, anti-amnesty, pro-balanced budget amendment, pro-Wall Street re-regulation, and pro-audit the Pentagon and Federal Reserve. I am an Oregonian and an independent thinker."

Blumenauer was equally annoyed.

"No matter which side of the political aisle it comes from, this kind of name calling and rhetoric represents exactly what is wrong with our democracy today," he said. "Rather than bringing people together to solve our nation's problems, it spreads false and divisive allegations throughout the media and the public. It is a major distraction from the real work that needs to get done."

Bad information gets spread all the time. But where did the number, or numbers, come from?

The list purported to have originated with the DSA says this on page two:

Q: How many members of the U.S. Congress are also members of the DSA?

A: Seventy

It then lists them by name. What it does not say is that the names are simply lifted en masse from the membership of the Congressional Progressive Caucus, a collection of liberal-leaning lawmakers that includes DeFazio and Blumenauer but officially, not a single socialist.

According to its website, the Progressive Caucus is one of the largest in Congress and works for such causes as economic justice, civil rights and civil liberties as well as global peace and security. Llewellyn said that DSA supports some of the policy positions of the caucus.

Voicing support for positions embraced by a group of lawmakers is a routine part of business on Capitol Hill and is employed by organizations as disparate as the U.S. Chamber of Commerce, the National Rifle Association and NORML, a group devoted to legalizing the use of marijuana. But agreeing with some positions doesn't make a member of Congress a card-carrying Socialist.

Llewellyn says similar accusations of Socialism (with a capital S) have surfaced every election year since 1991 when the Progressive Caucus was created.

"There's nothing we can do to stop it, Llewellyn said. "I can't tell you the number of times we've tried to stop it."

Misinformation and smear campaigns are part of political life. But these persistent claims about socialists are riddled with errors and outright lies. Any one of the problems would be sufficient to discredit the report, but taken together, the effort is flagrantly false. For that reason, we rate this claim: **Pants on fire.**

[Return to OregonLive to comment on this statement and rating.](#)

made no suggestions. Later, I sent him two copies of the first edition of this book, asking that he suggest changes in any errors that he thinks it contains. Again, he made no suggestions. I did this a third time. There has, so far, been no response.

The 2012 campaign should consist of a public debate of the relative merits of my policies on the issues vs. my opponent's. That is why I have repeatedly challenged him to debate - in public and without the protection of moderators. He refuses to do so.

In an unguarded moment off microphone during the campaign, DeFazio was heard to say, "I can't afford to debate." With this sort of claims to defend, he sure can't!

While proof reading this book, Noah and I noticed that I had written a sentence favorable to the financial services industry. The next sentence, however, said that I oppose companies that make corrupt deals with Congress to get unfair advantages and public money. We decided to combine the two sentences into one because our opponent was sure to quote the first without the second.

We did, but I don't expect that to deter him.

The very extreme false and negative campaigning that voters have seen from my opponent in 2010 and now in 2012 was not so prominent in his previous campaigns. Then, he felt confident that he would win. Under pressure now from a real threat to his seat in Congress, he is frightened. A career politician who has done little else in life and has come to love greatly the perks of his career becomes very fearful if it looks like he may lose his position.

Too long tenure in Congress creates a conflict of interest for every member of Congress. With Congress as a career, each action he takes is weighed against his self-interests as

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4. Election rules require names, addresses, and, when available, occupations of all contributors of more than \$200 be sent to the Federal Election Commission and publicly displayed. There is no privacy protection for these donors.

In the 2010 campaign, DeFazio actually demeaned and ridiculed specific individuals in public speeches who, he had learned from FEC reports, had contributed to our campaign. In 2012, he is at it again, with campaign literature that maligns individual supporters of our candidacy.

The Oregon 2010 Senate candidate, Jim Huffman, wrote an account in *The Wall Street Journal*¹ about his difficulty in raising campaign funds because potential supporters were afraid to offend the current Senator, possibly resulting in retribution. The Senator would see a record of their contribution.

5. FEC rules allow the filing of entirely bogus FEC complaints, without penalty for false and specious claims.

During 2010, the DeFazio machine filed several bogus FEC claims against our campaign that were demonstrably false, and then sought publicity for those claims before they were inevitably dismissed by the FEC. This cost our campaign tens of thousands of dollars in legal fees, with no method available to recover these costs after the claims proved fraudulent.

6. There are no practical restrictions on misuse of congressional power against challengers. The first letter I received from DeFazio in response to our debate challenge after winning the Republican nomination contained a veiled warning directed against my employer.⁶³

Bogus DeFazio FEC claims were later filed against my employer, my family, and even against a retailer, whose only crime was that he sells our home school curriculum.

candidate than are individuals, so DeFazio also had larger single contributions than did Robinson.

Moreover, DeFazio's lavish contributions from corporate special interests are understated. In a recent DeFazio FEC report of \$10,400 in contributions (all reported received on a single day, May 2, 2012) from "individuals", \$7,400 of DeFazio's "individual" contributions actually came from executives; \$2,000 came from an executive's wife; and \$1,000 from a "retired" executive.

These corporations receive special treatment from DeFazio at public expense. In two of these cases, high executives in the corporations were disguised in the FEC report as mere workers, when they are actually CEOs of the corporations. This sort of shenanigan is hidden corporatism or crony capitalism.

In 2010, about 20% of Robinson's support came from private individual maximum contributions of \$2,400. More than 80% was from people who contributed \$5, \$25, \$50, \$100, or more (but not \$2,400), many contributing more than once. There were about 6,000 such Robinson contributors.

Both candidates were also supported by "independent expenditures." These are groups that advertise for the candidate but are not permitted, under FEC rules, to have contact with the candidate or his campaign.

While DeFazio gets plenty of help from his own "independent expenditures," he became very upset when similar help was provided to Robinson, too.

Campaigns, by independent groups and by the candidates, are required to report their sources of funds to the FEC quarterly, with shorter intervals as the election nears. In late September 2010, TV ads from an independent

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source in favor of Robinson began to appear. The independent expenditure donors paying for this would not be revealed until the next reporting date of October 15.

Contributors to the DeFazio and Robinson campaigns would also not be reported until October 15. All contributions to the campaigns, independent or otherwise between July 1 and October 1, were, at that time, unknown to the public and the campaigns, except for their own.

With the date for reports a couple of weeks away and counting on fooling the public who did not know the procedures, DeFazio and Rachel Maddow attacked Robinson on national television with the false claim that Robinson had "secret" contributors, who might even be criminals.

Moreover, they claimed Robinson did not even to care to know who his advocates were. (I did not know, and could not until October 15.) They called Robinson and his supporters "money launderers."^{42,43} This false claim could equally well have been made against DeFazio, since his campaign had not yet reported its fund sources either.

DeFazio launched this "exposé" on Maddow's MSNBC show with his ridiculous and false claim that Robinson lives in "a survivalist compound on Social Security," and the show went on down hill from there.

On October 15, the campaigns, including the independent expenditures, reported their donors, and the DeFazio-Maddow road show quietly faded away.

So it goes with campaign finance.

Political professionals, in all parties and with few exceptions, view elections almost entirely in monetary terms. Candidates are expected to raise lots of money.

It is expected that Congressmen, once elected, will grant "access" and favors to those who contribute. They

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62 COMMON SENSE

reward their friends and punish their opponents.

I would never do this, nor would I use my congressional office to treat any citizen better or worse than any other, regardless of his contributions, politics, or opinions.

The over-dependence on campaign money needs to stop. Yet, we cannot cast a vote to stop it unless – you guessed it – we raise enough money to win the election. When television smear season begins, we must neutralize the smears, and television time is very expensive.

Perhaps this book will help. Those who read it are not going to be influenced by television propaganda.

When voters learn the many ways in which our representation of District 4 in Congress will be good for them, for Oregon, and for our nation, they will want to help us be elected. Many readers will be inclined to contribute to the Robinson campaign – and we very much hope that you will do so, too. You can contribute at www.ArtForCongress.com, or by mail at: Art Robinson for Congress, P.O. Box 1250, Cave Junction, OR 97523.

Money should not be a factor in selecting our Congress. An ability to raise money is not a skill required to do a good job in Washington.

Moreover, the monetary and regulatory rules should be level – favoring neither incumbents nor challengers.

In 2012, DeFazio is loudly complaining about Robinson's financial support (from 6,000 contributors). Challengers are supposed to lose from lack of funds.

Still, DeFazio has a lot more campaign funds than Robinson because he has spent 25 years pleasing corporate and other special interests. The financial playing field is not level, but it is far too level for DeFazio's comfort.

dren and is beginning to make similar decisions about senior citizens.

My opponent has voted for tax funding of all forms of abortion, including partial birth abortion, which involves the killing of a child while it is being born. I will never vote to support the killing of any child - born or unborn, through funding the killing or otherwise. ~~DeFazio also voted for Obamacare, which sets up panels of bureaucrats who will decide who will receive medical care and who will not. They will decide who will live and who will die.~~

Senior citizens should be especially concerned about this because Obamacare takes \$500 billion out of Medicare. The intention is to end Medicare and transfer all seniors into Obamacare. Then bureaucratic panels will decide on the phasing out of medical care as seniors get older. Members of the Administration influential in drafting this law make no secret of their desire to phase down and eventually phase out medical care as people age.^{18,19}

When the right to human life is compromised, for unborn children, for senior citizens, or for anyone else - once government decides who will live and who will die, we regress toward the past. In the past, before the American experiment, human life was held very cheap.

Our Constitutional Republic was a great step forward in human history with respect to the right of every human being to life. Unfortunately, our country has tragically stumbled in this regard. A further tragic step is Obamacare, which puts our older citizens' lives at risk. I oppose abortion, and I oppose government rationing of medical care.

A man and woman who act in such a way that they are so fortunate as to conceive a human child should be

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of the businesses allied with Congress; and laws that selectively promote one company over another.

This corruption has become so widespread that almost all businesses and industries hire lobbyists who pander to Congress. Even honest, uncorrupted businessmen – most businessmen are honorable and honest – must lobby Congress to protect themselves from this corruption.

Also, very high wages are paid to some executives who have arranged for their companies to be subsidized and bailed out by taxpayers.

~~My opponent in District 4 is no stranger to this. A glance at the list of corporations and other special interests that pay for his re-election campaigns reveals the interests on Wall Street for which DeFazio has done special things.~~

Lobbyists broker and control the deals between congressional offices and special interests. Various perks are provided for congressional support, including campaign contributions. The book *Capitol Punishment* by Jack Abramoff describes this corrupt environment.

As the American economy has been sliding downward, the American public has been searching for the cause. The public is understandably very upset about this slide. Corrupt deals between Congress and dishonest people on Wall Street are a part of the cause.

As American businesses and industries have scrambled to save themselves from this decline, corrupt interests have had an advantage because they can call upon many congressmen to give them public money and preferences.

This has not gone undetected. The American people are furious about the huge payments made to corrupt elements of the capital allocation industry by Congress – payments to certain banks, businesses, and other special

interests, including payments made to some (only a small group) of the special interests in Wall Street.

Demonizing Wall Street

Leftist politicians including my opponent are now conducting a frenzied condemnation of Wall Street as the cause of America's difficulties.

These politicians are trying to win votes by turning Americans against their own capital allocation industry - an industry essential for providing many American jobs and careers and an industry in which almost all Americans have a personal financial stake through their investments, pension funds, and employment.

These politicians are also using the politics of class warfare against this industry.

~~Yet, the political campaigns of Peter DeFazio have been funded in large part by Wall Street itself. Without large campaign contributions from these elements, it is unlikely that my opponent would hold public office today.~~

DeFazio, who has become a millionaire while in Congress, campaigns in Oregon from an old Dodge Dart and likes to say that he is "independent as Oregon."

In fact, far from independent, he is entirely dependent upon the campaign cash of special interests, especially those in "Wall Street" for which he has done favors during his 25 years in Washington - including interests that do little business in Oregon.

DeFazio is now sending fund raising requests claiming that he has been targeted for defeat in 2012 by Wall Street. Yet, the only Wall Street targeting in view is the campaign cash he is getting from corporations for his campaign.

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The Wall Street Campaign

Prominently in 2010 and already in 2012, my opponent is trying to convince voters that I, Art Robinson, am a tool of Wall Street. He said, in television ads, that he, DeFazio, will protect Oregon jobs from Wall Street and from Art Robinson's friends on Wall Street.

How does a research scientist and small businessman in Oregon become a tool of Wall Street? I really would like to know! Raising a family of six children and putting them through college and graduate school was a very difficult accomplishment for our family. Connections to Wall Street would surely have helped.

This is all politics. In campaign finance, incumbent career politicians usually have the advantage over challengers because they have had many years in Washington to give public money and power to the special interests that finance these campaigns. DeFazio has had 25 years to do this, and he has vigorously and successfully done so.

Yet, we are now being treated, in 2012, to the pathetic spectacle of our congressman running around whining that his opponent (a research scientist who has earned his way in life with his work in scientific research and education) is a tool of "Wall Street."

The truth is that I have essentially no connection to Wall Street - the capital allocation industry. And, DeFazio has extensive connections with Wall Street through his 25-years of dispensing favors in Congress.

His claim is an effort to smear Wall Street and to smear me by association, solely to dishonestly win votes.

volatility and move markets away from good prices tends to lose money and is soon out of business.

So, we are helped by speculative traders, businessmen who assume these risks in order to make a profit. These businessmen constantly buy and sell. Therefore, the farmer and baker can always buy and sell just what they need.

Moreover, the farmer and the baker can always obtain more favorable prices because the traders smooth the market and eliminate the risk spread between the buy and sell prices. They create, through their activities, a fair price.

When the Russians invaded Afghanistan in 1979, President Jimmy Carter decided to use the incident for political advantage, so he banned American wheat sales to the Soviet Union and closed the Chicago Board of Trade.

This didn't hurt the Soviets much, since they just bought their grain elsewhere, but it destroyed the businesses of many Americans involved in grain distribution.

As one grain elevator operator pleaded in *The Wall Street Journal*, "We have got to have a price!"

It is this way with most markets for products, stocks, bonds, and items of capital required for markets. Traders provide the liquidity to make these markets work efficiently, reliably, and fairly for those who buy and sell - traders who are rewarded in profits for their work.

Desperate to win re-election, my opponent is advocating a tax on market trades that is so high that taxes and risk would combine to make short term trades unworkable and put many traders out of business. He claims that "speculators" have raised the prices of gasoline and other items.

In fact, it is money printing and interference with private enterprise by Mr. Defazio and other socialists in Congress that are most responsible for higher prices, but

I have a suspicion about my opponent. Now, why would I be suspicious of him?

I think that DeFazio and his wife may be planning to move to New Zealand when he leaves office. It is a beautiful country. They would live in one of their two houses there and use the other one for guests.

Then, using his contacts in Washington, I think he hopes to be named U.S. Ambassador to New Zealand.

If this is his dream, he should try to realize it soon. It would be better for the people of Oregon.

Over recent decades, American quality has diminished, costs have increased, and real wages have diminished. With half of everything Americans earn flowing into government coffers through over-taxation; over-regulation; and debt service from congressional over-borrowing, American liberty has diminished, and, in many industries, we cannot compete effectively.

The answer to this is to fire the career politicians who are destroying our country with self-serving taxation, regulation, and debt. Without big government on our backs, we will have no trouble again offering the world the best goods and services at the lowest prices, while we keep our wages high. We have done this before - before the era of big government.

EXHIBIT

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OF

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Liz Cooney <liz@defazioforcongress.org>

12/18/11-----Fwd: Fw: Robinson vs. DeFazio

Liz Cooney <liz@defazioforcongress.org>
To: Liz Cooney <liz@defazioforcongress.org>

Tue, Oct 23, 2012 at 3:33 PM

Dear Friends,

The Robinson campaign for 2012 is accelerating. So is DeFazio's.

The DeFazio campaign is accelerating, however, backwards.

DeFazio wants to continue America's slide into bigger government, higher taxes, more regulations, and less liberty. ~~He is even supporting the so-called "Saving American Democracy Amendment" authored by socialist SB Prince Sanders. James Taranto writes in The Wall Street Journal on December 13, 2011 that this amendment would empower "a lawless regime of crony capitalism in which political officeholders would have unchecked power to enrich their corporate friends by persecuting competitors."~~ DeFazio is already making his campaign cash from his corporate and special interest friends. ~~As Taranto summarizes, DeFazio is only one of four congressmen (out of 435) who claim that they are actually supporting Sanders' amendment. See link below:~~

<http://online.wsj.com/article/SB10001424052970203430404577096631574167496.html>

Attachment 2 Response of DeFazio for Congress FEC MUR 6846

EXHIBIT

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For thousands of years, the nations of the world were mostly ruled by big government - governments under various kings, conquerors, and tyrants. Wars between these tyrannies were constant, and ordinary people were no more than slaves. Two and half centuries ago, a great experiment arose in America - an experiment in human liberty - an experiment where small government was to be the rule and all people would live in freedom and justice. This experiment has been a spectacular success. Yet, there are always those who want to go back to the past - a past where money and power flows to those who control the people through vast, overreaching central government.

DeFazio now claims to represent the "99%." Actually, he only represents the dwindling percentage of District 4 voters who have not yet learned his true policies. His actual policies will impoverish the 100%. We must not let this happen.

We have been building campaign logistics, our campaign message, and the Internet presence for the campaign. The Art Robinson for Congress Facebook page now has more than 52,000 friends and is growing rapidly. The Facebook site and ArtRobinsonforCongress.com will carry extensive and frequently renewed information.

Our campaign goal is to make sure that all of the voters in Oregon District 4 know our objectives and understand the ways in which our election will be beneficial for them, for Oregon, and for our nation. Our opponent's goal is to keep them from hearing our message and to replace that message with a false one. We will not let that happen!

We must raise the money needed to deliver our message. Our opponent spent \$1.45 million in 2010, mostly raised from PACs, corporations, and other special interests he does favors for in Washington. We expect him to spend about \$2 million in 2012. By comparison, in 2010 we received \$1.28 million from more than 9,000 contributions from individuals. Less than 0.5 % of our 2010 contributions came from PACs and similar sources. More than 99.5 % came from private individuals.

Individuals can contribute a maximum of \$5,000, providing \$2,500 is given before the primary. The campaign rules strongly favor the career politicians who have created them. At present, DeFazio is campaigning vigorously using federal tax money. This is a perk for sitting congressmen.

In 2010, about 20% of our support came from maximum contributions. More than 80% was from people of ordinary means, who usually contributed \$5, \$25, \$50, or \$100, many more than once.

If you are an Oregon resident, you are allowed a tax credit of up to \$50 each year for political donations, provided they are made - or postmarked - by December 31. If you have not already used this credit, you can contribute up to \$50 with no net cost to you (as long as you are paying at least \$50 in Oregon State taxes).

EXHIBIT

PAGE 2 OF 4

Contributions can be made on our website: www.artforcongress.com.

We must replace the corrupt politicians in Congress with honest, common sense Americans who will roll back the over-taxation, over-regulation, and over-spending that have been put on the backs of American workers, businesses, and innovators. This has destroyed American jobs and endangered prosperity. We are becoming slaves in our own country, slaves of big government, politicians, and the bureaucracy they have created. This election is about American liberty. We must and will restore and preserve American liberty, so that our country will have a bright future.

Thank you for your contributions to our campaign. We will make sure that our work justifies the confidence that you may decide to place in us by continuing. Thank you for your consideration.

Best Regards,

Art Robinson

P.S. You can visit our facebook page by going to www.artforcongress.com and clicking the facebook link in the upper right corner.

Thank you for contacting the Art Robinson for Congress Campaign. Should you wish to be removed from this list, please click the link below. Paid for by Art Robinson for Congress.

Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 in a calendar year.

Our mailing address is:
Art Robinson for Congress
P.O. Box 1250
Cave Junction, OR 97523

Our telephone:
(541) 255-2785

Forward this email to a friend:

<http://us1.forward-to-friend.com/forward?u=a08314c42670c972d435f9af0&id=fc2ec250d5&e=8a98a2070e>

Attachment 2 Response of DeFazio for Congress FEC MUR 6846

EXHIBIT

PAGE 3 OF 4



Confidentiality Notice: Unless expressly stated otherwise, this message is confidential and may be privileged. It is intended for the addressee(s) only. Access to this e-mail by anyone else is unauthorized. If you are not an addressee, any disclosure or copying of the contents of this e-mail or any action taken (or not taken) in reliance on it is unauthorized and may be unlawful. If you are not an addressee, please inform the sender immediately.

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HOME

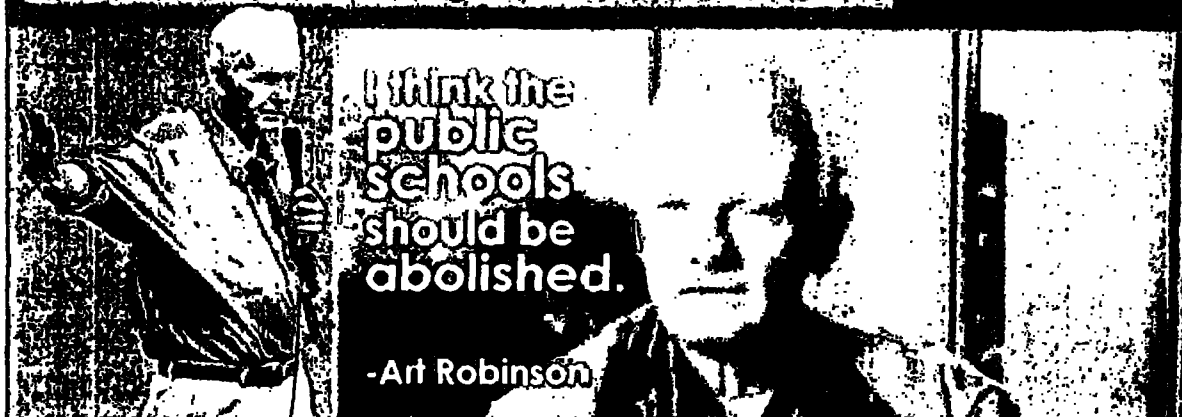
ART ROBINSON ON THE ISSUES

"WHO IS ART ROBINSON" ON TWITTER

"WHO IS ART ROBINSON" ON YOUTUBE

All across Oregon, people are asking:

Who is Art Robinson?

Good question. We'll let Art do the talking. He's never been shy about his opinions.

Art Robinson on Schools

"The whole public school system is child abuse."

"I think the public schools should be abolished."

Learn more about Art Robinson's opinions on education.

Art Robinson on Wall Street

"But what I see in this [Wall Street] reform program right now is a government using a problem as an excuse to grow itself and greatly increase its power and I don't think that should be done."

Learn more about Art Robinson's opinions on Wall Street.

Art Robinson on Nuclear Waste

"All we need do with nuclear waste is dilute it to a low radiation level and sprinkle it over the ocean - or even over America."

Learn more about Art Robinson's opinions on nuclear waste.

Art Robinson on Social Security

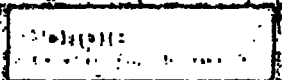
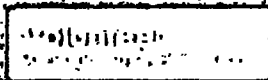
"It is a Ponzi Scheme. ... These entitlement programs need to be ended."

Learn more about Art Robinson's opinions on Social Security.

Here's the good news.

Oregonians are standing up for Peter DeFazio - a common sense leader who fights for the middle class and isn't afraid to stand up to party leadership and Wall Street.

Will you stand up, join Peter, and fight back?



Paid for by Peter DeFazio for Congress.

Powered by Mandate Media.
Get updates via RSS.

Election 2010

The fight for the 4th

Scientist Art Robinson is making a spirited run to unseat Rep. Peter DeFazio

By Susan Palmer

The Register-Guard

Appeared in print: Sunday, Oct. 10, 2010, page A1

MONROE — The small group gathered at the Sweet Spot Bakery off Highway 99 on a recent sunny October morning listened attentively as Art Robinson, the Republican candidate for the 4th District House seat, described what's wrong with this country.

Top of the list: the slide toward socialism driven by self-interested career politicians and progressives.

Robinson, a 68-year-old chemist from Cave Junction with an impressive academic résumé and some fairly nonmainstream views, ticked off the top point on the national conservative agenda: Lower taxes, fewer regulations and smaller government will restore the country to greatness.

In the last three weeks of the campaign, his days are a series of meetings with voters in the 4th District — geographically among the largest in the nation — as he tries to convince people that he's a better representative for their interests than long-term incumbent Democrat Peter DeFazio.

It's an argument no one has successfully made in the 4th since DeFazio was first elected in 1986. DeFazio, 63, combines an ability to bring home federal dollars with a feisty independence that resonates in a district that includes some of the state's most remote rural populations as well as Oregon's second-largest urban area.

But this is no ordinary year in politics. This midterm election has energized Republicans and demoralized Democrats, with everyone waiting on a sluggish recovery from the nation's worst economic crisis since the Great Depression of the 1930s.

Now the national spotlight is lighting up the local race, most recently in the form of a painfully fractious interview between Robinson and progressive commentator Rachel Maddow that aired on MSNBC on Thursday night and quickly went viral.

Maddow peppered Robinson with questions about a recent ad campaign on Robinson's behalf by anonymous donors, an issue that has received prominent play in the Washington Post and the Huffington Post. She followed up with questions about articles Robinson has written in a newsletter that suggest he holds extremist views. He parried her

questions, declined to say much about the articles he's written, and accused her of smearing him and lying.

It wasn't pretty.

There's no question, though, that Robinson has made some eye-opening statements.

An advocate of nuclear energy, he has suggested in the monthly newsletter he writes and edits that nuclear waste can be disposed of by diluting it and adding it into the foundations and insulation of homes, or that it might be diluted and sprinkled over the ocean, or over land. He cites research showing that low levels of radiation can be healthy for people.

Aside from the national chatter — thousands of Tweets and Google hits on Maddow and Robinson — it's campaigning as usual on the ground in Oregon with the candidates reaching out to voters in coffee shops and meeting rooms throughout a district that stretches roughly from Albany south to the California border.

The two candidates could hardly be more different. Robinson's demeanor among voters is calm and he speaks with a compelling academic authority. He carries around the 2,000 page health care reform bill as an example of what's wrong with Washington politics. He's proud to say he hasn't read the bill.

DeFazio, on the other hand, has a lively bustling energy, a prodigious memory and a work's love of obscure policy-making details. He has not only read the health care reform bill that Congress passed this year, but is quick to tell people when many of its provisions will kick in, and which parts of it still need tweaking.

In the presence of the candidates, it's easy to get swept up by their enthusiasm, which often obscures the complexities of the issues at stake.

When Robinson decries the loss of nuclear power plants from the nation's energy portfolio, for example, his authoritative tone makes it easy to forget the nuclear accidents at Three Mile Island and Chernobyl, the unresolved question of how to dispose of nuclear waste, and the Northwest's disastrous efforts to build nuclear power plants in the 1970s, efforts that led to several years of double-digit rate increases for electricity customers before utilities pulled the plug on the projects that came in wildly over budget.

When DeFazio reminds voters of his independence and occasional feuds with Democratic party leaders — voting against the bank bailout, holding the health care bill hostage until it fixed a Medicare payment formula that has long hurt Oregon doctors, calling for Obama to fire Treasury Secretary Tim Geithner for being too cozy with Wall Street — it's easy to forget that mostly he votes with the Democrats.

Just who are these candidates?

A political veteran

DeFazio — who served in the Air Force and then earned an economics and political science degree from Tufts University and a master's degree in public administration and gerontology from the University of Oregon — was first elected to the Lane County Board of Commissioners in 1983 before winning the 4th District House seat in 1986.

He has served when Democrats were in the minority and in the majority, and his seniority puts him at the helm of the subcommittee on highways and transit, which will craft an omnibus transportation spending bill in the coming year that will require about \$500 billion to repair and upgrade the nation's aging infrastructure.

According to Project Vote Smart, DeFazio gets high rankings among labor organizations, groups concerned with senior citizens and Social Security issues, veterans organizations and those concerned with welfare and poverty. He gets occasional high marks from gun rights groups, but not much respect from business organizations such as the U.S. Chamber of Commerce.

He's known for frequently returning to the district rather than staying in the capital. He has rejected every Congressional pay raise since 1987, redirecting the money instead to scholarships for students in his district's community colleges.

Four years ago, the House leadership threatened to have him thrown off the floor if he showed up again wearing jeans and a sport jacket instead of a suit.

DeFazio has built connections, albeit uneasy ones, with environmentalists and the timber industry in the endless battle over Oregon's public forests. He opposed the Northwest Forest Plan that locked up thousands of acres of old growth forests. And more recently he has pushed for more thinning on fire-prone landscapes while supporting efforts to declare protected wildernesses in some of the state's most scenic places.

Spend a couple of hours on the street with him and a steady stream of people will come up to chat about politics or old cars or biking or Social Security.

An entrepreneurial scientist

Robinson entered the campaign relatively unknown in Oregon, but with a nationwide base of support and a unique personal story that has touched many voters.

With a bachelor's degree in chemistry from the California Institute of Technology and a doctorate in chemistry from the University of California, San Diego, Robinson did research with Nobel Prize laureate Linus Pauling in the 1970s before a scientific falling-out and a lawsuit drove the two apart.

He brought his family to Cave Junction in 1980 and created his own nonprofit Institute of Science and Medicine. Its broad but secret donor base gives annual funding in the range

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X

of \$500,000 to \$700,000, according to its filings with the IRS. The institute pays Robinson \$56,000 a year, and his son Noah Robinson \$70,000 a year, according to the most recent filings. Robinson's scientific work focuses on the mechanisms of aging and the diseases, such as Alzheimer's, associated with aging.

Following the sudden death of his wife in 1988, Robinson also created his own home-school curriculum to educate his six children, one based on the basics of math, reading and writing. Robinson sells the curriculum, which has proved popular among conservative families who home-school their children.

He can point to his children as proof of the concept. One son has a doctorate in chemistry, another has a veterinary degree; and two others are studying science at Oregon State University.

In the past decade, Robinson has caused a fuss among climate scientists by collecting signatures from more than 30,000 people, many with advanced degrees in science and engineering, who say that there is no scientific consensus that global warming is caused by human actions.

Robinson said he and his son Noah, also a chemist in his own right, came to that conclusion after writing an exhaustive review of climate change research.

But many of those actually working in the field of climate studies say the Robinsons' petition and report are flawed.

"The scientific content of the article is essentially nil, except that it's a great teaching example of how to do junk science to support contrarian ideas," said Patrick Bartlein, a paleoclimatologist at the University of Oregon.

The petition effort has resulted in accusations that Robinson is being paid by the oil industry, but Robinson said that neither he nor his institute have received any money from the hydrocarbon or energy industries, not even in the form of lecture honorariums.

"A little hyperbole"

But it may be Robinson's subscription newsletter — "Access to Energy" — that has given his opponent the most ammunition against him.

In Robinson's campaign speeches, he calls for returning education to the control of local school boards and parent-teacher associations, and shutting down the U.S. Department of Education.

But his "Access to Energy" writings on the subject are much more strident. He has periodically called for abolishing public schools themselves and letting an education system be created by the free enterprise marketplace. He has referred to the nation's schools as tax-financed socialism, and described public schools as the nation's most

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widespread and devastating form of child abuse and racism.

Robinson defends the writing — composed years ago — as typical of someone who's not running for public office and who feels passionately about the declining quality of education in the nation.

"I've used a little hyperbole from time to time," he said.

His writing about the potential uses of radioactive waste also have raised eyebrows.

In a 2006 edition of the newsletter, Robinson speculated that radioactive water found beneath nuclear power plants in California might prove valuable in Oregon because of recent research suggesting a health benefit to low-level radiation exposure. Oregon has less background radiation than other states and therefore fewer natural health benefits, Robinson wrote.

In a 2003 newsletter, Robinson speculated that diluted radioactive waste might be stored safely in concrete foundations and insulation of homes and buildings, with a net health benefit for people.

Robinsons now says the proposals were merely speculative, and based on research by Bernard Cohen, professor emeritus of physics at the University of Pittsburgh.

As a Congressional candidate, Robinson said he's focused on the pragmatics of what an elected official can actually do. Closing government agencies is one of the options, he said.

Along with his lower taxes, fewer regulations and small government stand, Robinson said he has a two-tier proposal for shrinking the federal budget.

Some federal agencies — such as the Department of Education and the Environmental Protection Agency, should just be shut down, he said.

Other programs would need a more careful rollback. Food stamps, for example, would require a more gradual approach to avoid chaos and hardship for those who rely on them, he said.

Social Security should be considered a contract between the government and those who already have paid into the system, he said. But Robinson thinks it should eventually be phased out, letting people invest their own money to create savings for their old age.

Two views on Social Security

The small-government message resonated with many among a group of 50 people who came to hear Robinson speak in Springfield last week.

EXHIBIT

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"You're going to get elected," Springfield resident Lela Trope told Robinson during the question and answer session.

But others in the audience had reservations.

One woman wondered what would happen to her under a privatized system if she invested badly and lost her savings.

"You'd have to rely on your family and friends," Robinson told her.

DeFazio rejects the notion of privatizing Social Security and can describe the many different ways it would cost the country money to make the transition.

Social Security came about because people in the 1930s "got tired of seeing senior citizens selling pencils on the corner," he said.

Few voters will actually venture very deep into policy discussions when deciding which candidate to back, said William Lunch, head of the Political Science Department at Oregon State University.

"If you say, 'Hey, there's a political meeting with an important set of consequences for the country and your life ... you might as well invite people to go to their dentist's office for a root canal,' he said.

Still, people have been showing up to hear the candidates. In Monroe this week, Dave and Jan Habbestad, retired owners of a cherry farm supply business, were among 20 who came to listen to Robinson.

Dave Habbestad liked the candidate's opposition to budget earmarks and the promise that Robinson would vote against any bill containing such spending provisions.

Jan Habbestad wasn't as happy with Robinson's response to her question about how to help small businesses that can't get loans right now.

"If I were a small business, a loan is the last thing I'd need," Robinson told her.

"He answers my letters"

DeFazio, on a recent day of campaigning, fielded questions about transportation, cap-and-trade policies for greenhouse gas emissions (which he opposes), and the vexing prescription drug "donut hole" that leaves some Medicare recipients with a big bill.

Diane Ballou, a Eugene nurse, caught up with DeFazio at a fundraising breakfast for Committed Partners for Youth and described how she has continued to work because her retired husband needs the additional health care coverage her job provides. They're the ones with the "donut hole" problem.

"We love Peter DeFazio," Ballou said. "He answers my letters every time I have a concern."

Later, at a street fair at the University of Oregon, DeFazio walked among the food booths strung along 13th Avenue and invited students to register to vote.

Few paid much attention, but one student, Joe McGinley, a junior studying public policy, took the opportunity to register and to quiz DeFazio.

"Are you doing anything to help support high-speed rail in the Northwest?" McGinley asked.

DeFazio gave him the short answer: Of \$500 billion in proposed transportation spending, \$50 billion would go to high-speed rail, but the Northwest would have to compete with other regions for the money, he said.

Is there a timeline, Mc-Ginley wanted to know.

A decade, DeFazio answered, to get a train that could travel from Eugene to Seattle in three hours. If the political/revenue stars align.

Getting the transportation bill passed is one of DeFazio's top agenda items should voters send him back to Washington.

Equally important is stabilizing the funding for Oregon counties that are dependent on timber revenue from public forests. DeFazio said he's working on a plan that gives the counties more funding options and that marries recent forest management proposals from natural resource experts that would allow thinning of small-diameter trees and even some larger trees on some federal land, while protecting older stands currently in reserve under the Northwest Forest Plan.

Oregon's forests are also at the top of Robinson's agenda. He believes the government has inappropriately locked up the nation's publicly owned natural resources, its trees and minerals and water.

"Public lands have become government lands," he said. He wants to see logging and mining increased on federal lands.

EXHIBIT

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OF 7

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
COUNTY OF JOSEPHINE

ART ROBINSON,

Plaintiff,

v.

PETER DEFAZIO,
JOHN DOES, 1, 2, and 3,

Defendants.

Case No. 12CV1144

SECOND DECLARATION OF
LINDA K. WILLIAMS
IN SUPPORT OF STATEMENT
OF ATTORNEY FEES AND
COSTS

I, LINDA K. WILLIAMS, make the following statements in support of
Defendant's *Statement of Attorney Fees, Costs and Disbursements*; Defendant's
Motion for Leave to Reply to Plaintiff's Opposition to Request for Awards of Stated
Costs, Disbursements, and Attorney Fees and Proffered Reply Memorandum; and
Defendant's *Supplemental Statement of Attorney Fees* filed this date.

REQUEST FOR SUPPLEMENTAL ATTORNEY FEES.

1. I had initially not sought compensation for the materials in preparation for the request for award of fees in this case, in an effort to avoid "fees on fees." In this Supplemental Statement of Attorney fees I do not seek compensation for the time invested in preparing the *Reply* to the extent it involved routine legal research on well-known fee factors, the meaning and application of ORS 31.150, *et seq.*, or responding to legal argument by Plaintiff.

- 1 2. I do seek compensation for the time invested in refuting scandalous argument
2 about attorney misconduct. Plaintiff in his *Memorandum in Opposition to*
3 *Defendant's Memorandum in Support of Award of Attorney Fees and Costs*
4 (hereinafter "*Opposition*") accused Defense Counsel and Defendant of lying to
5 the Court about the nature of the Retainer and the relationships among Defense
6 Counsel and Defendant.
- 7 3. I also seek compensation for responding to nonsensical argument in the
8 *Opposition* about a cabal involving the attorneys and the Independent Party of
9 Oregon, a minor political party. The *Opposition's* description of the party
10 nominating process in 2012 is garbled and inaccurate. Unsupported and
11 irrelevant argument that impugns the integrity of all those involved could not
12 go uncorrected.

13
14 **ATTACHMENTS TO THIS DECLARATION**

- 15 4. The following are true copies of materials from my files I generated; or which
16 I have personally maintained in my files from other cases; or which I obtained
17 from sources as indicated:
18
- 19 A. My personally maintained supplemental time records Exhibit AA
20
21 B. True copy of email press release sent to me by
22 Art Robinson for Congress time-stamped
23 "10/22/2012 10:17 AM" Exhibit BB
24
25 C. True copy of the unsigned Complaint in this cause,
26 printed from the link provided to me at p. 4
27 of the press release at Ex. BB Exhibit CC
28
29 D. True Copy of the Retainer Agreement in this cause
30 countersigned by Defendant Exhibit DD
31
32

- 1 E. True Copy of email cc'd to me at "10/22/2012 4:29 PM"
2 to which the scanned copy of Ex. DD was attached Exhibit EE
3
4 F. True copy of Declaration of Julie Anne Smith
5 (August 20, 2012), filed in *Beaverton Grace Bible Church v.*
6 *Julie Anne Smith, et al.*, Washington C'ty Cir. Ct
7 Case No. C121174CV Exhibit FF
8
9 G. True Copy of print out from "OpenSecrets.org" a project
10 of the nonprofit Center for Responsive Politics, available at
11 [http://www.opensecrets.org/pfds/overview.php?type=W&year=2011&filter](http://www.opensecrets.org/pfds/overview.php?type=W&year=2011&filter=C)
12 [=C](http://www.opensecrets.org/pfds/overview.php?type=W&year=2011&filter=C) Exhibit GG
13
14 H. Article from the COOS BAY WORLD, January 20, 2010 Exhibit HH
15
16 I. Peter DeFazio statement in 2012 Oregon Voters Pamphlet,
17 available at
18 [http://oregonvotes.org/pages/history/archive/may152012/guide/eng/votersg](http://oregonvotes.org/pages/history/archive/may152012/guide/eng/votersguide.html#Peter%20A%20DeFazio)
19 [uide.html#Peter%20A%20DeFazio](http://oregonvotes.org/pages/history/archive/may152012/guide/eng/votersguide.html#Peter%20A%20DeFazio) Exhibit II
20
21 J. Email thread starting with message by me time-stamped
22 "6/16/2012 8:31 PM" and concluding with message
23 from me at "6/26/2012 10:52 AM" Exhibit JJ
24
25

26 **THE NATURE OF THE REPRESENTATION IN THIS CASE**
27

- 28 5. I have Redacted Exhibit EE to protect work product. I include this email only
29 to forestall any accusations of "deceit," "perjury," and "lying" so casually and
30 repeatedly made by Plaintiff in his Declarations and by opposing counsel in
31 the *Opposition*.
32
33 6. In ¶ 16 of my Declaration of Linda K. Williams in Support of Statement of
34 Attorney Fees and Costs in this case, I stated:

35 My attorney fee agreement with this client is entirely contingent upon
36 success and limited to those fees awarded by the Court. I have not been
37 compensated for any of the hours shown on my time records, or any time
38 expended herein, nor any of the expenses I have verified and which I
39 seek as costs.

1 Declaration of Peter DeFazio in Support of Attorney Fee Request ¶ 6 stated:
2

3 All three attorneys agreed to represent me on double contingency:
4 the contingency of success and accepting the amounts awarded by
5 the court, if the defense was successful.
6

- 7 7. Plaintiff has accused me and Defendant of lying about the nature of the fee
8 retainer in this case. This is false and offensive. The Retainer (Ex. EE)
9 follows the template I have used in a number of cases where I have defended
10 persons under Oregon's anti-SLAPP statute. The only changes I make to the
11 template are to reflect the parties and particular lawsuit at issue. See Ex. FF, ¶
12 7.

13
14 **ORS 20.075(2)(D) FACTOR.**
15

- 16 8. The fee factor set out at ORS 20.075(2)(d) includes the amount at issue and the
17 results obtained. The result in this case relieved Defendant from potential
18 devastating financial liability, as well as from on-going litigation costs.
19 Exhibits GG-II show that the amount sought (\$1 million of economic damages
20 on each of two claims plus noneconomic damages to be determined) would
21 have wiped most if not all of Defendant's net worth, itself diminished by
22 \$350,000 by the Oregon scholarships he has funded by foregoing pay raises for
23 members of Congress over the years as set out in Exhibits HH and II.

24
25 **FORMATION AND GOVERNANCE OF THE INDEPENDENT PARTY OF**
26 **OREGON.**
27

- 28 9. The Independent Party of Oregon ("IPO") is the third largest political party in
29 the State of Oregon, with approximately 96,000 current registrants. It was duly

1 certified in January 2007, after submittal of over 26,000 signatures gathered in
2 2006.

- 3 10. A petition to form a minor political party does not have incorporators or
4 "founders." Instead, the petition needs a "sponsor." I was the only sponsor of
5 the petition to create IPO.
- 6 11. The focus of IPO is to (1) offer more choices than the current 2-party system
7 allows, particularly in state legislative races where many seats have only one
8 candidate in the general election, and (2) continue to urge state-level campaign
9 finance reform measures.
- 10 12. Under the bylaws, the IPO candidate nomination process is delegated to the
11 entity called the IPO Caucus, which is comprised of five or more persons
12 elected by the IPO membership. In the 2012 election cycle, the persons who
13 comprised this IPO Caucus were: Joan Horton, Sal Peralta, Travis Diskin,
14 Daniel Meek, and myself.
- 15 13. To encourage more competition in elections for partisan office, the party has,
16 since its inception, allowed in its bylaws for non-members to compete for IPO
17 nominations, through a showing of good cause.
- 18 14. I drafted the initial Bylaws. Under those bylaws and in every amendment
19 since 2007, there has been a provision for potential waivers of membership
20 requirement for candidates:

21 **Y.C(2) Qualifications of Nominee to be a candidate of the**
22 **IPO for elective office.**

23
24 To be qualified as a candidate, a nominee for an elective office
25 must have been a member in good standing of the IPO for at

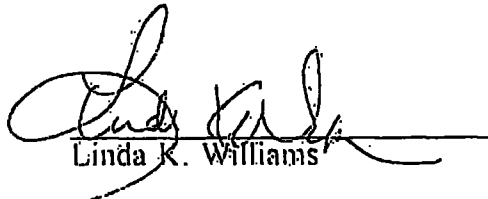
1 least six months at the time of the nominating caucus or
2 convention, unless the IPO Caucus, by unanimous vote, waives
3 this requirement for good cause, and may be asked to respond
4 to questions on specific issues and positions relevant to the
5 office sought.
6

- 7 15. During July 2010, the IPO held the first in the nation secure online binding
8 party nominating election. The software and security for the election were
9 provided by a third-party vendor, EveryOne Counts, for the discounted contract
10 term of \$10,000. At the time, there were about 55,000 IPO members eligible
11 to vote. Mailing of password for secure login to the election site and other
12 statutory notices cost about an additional \$6,000.
- 13 16. EveryOne counts did not offer a similar discount for the 2012 election cycle.
14 A volunteer created voting software, investing hundreds of hours. There were
15 many design problems to solve, as for example, to produce a ballot
16 particularized to the geopolitical district in which each voter resides (so that a
17 voter does not get a ballot with all 45 races for seats in the Oregon
18 Legislature.
- 19 17. For a number of reasons, including (1) no IPO member was seeking any
20 federal office, (2) limited volunteer resources to conduct the election, and (3)
21 the desire to concentrate on state races which have more relevance to state
22 campaign finance reform, the IPO Caucus decided to not run primary elections
23 for any federal office in the 2012 cycle and thus did not waive the membership
24 requirement for any potential candidate for Congress or President of the United
25 States.

- 1 18. Consistent with that decision, the IPO terminated its Federal State Party
2 Committee Political Committee with the Federal Election Commission.
- 3 19. The potential candidates for 2012 nomination to federal offices were each
4 notified of this decision by an email notice from me on June 16, 2012. On
5 June 17, Mr. Noah Robinson (son of Plaintiff) demanded a "more detailed"
6 explanation from another IPO officer (Sal Peralta) and asserted that the
7 decision to not "waive" the membership requirement for Art Robinson to
8 compete for the 4th Congressional district was a "new procedure." On June
9 25, Sal Peralta responded that no IPO member had sought any federal office,
10 and the IPO Caucus was not conducting any federal nomination election.
11 There was a further exchange of emails with Noah Robinson. On June 26, I
12 also responded to Noah Robinson. I have attached a copy of the email I sent as
13 part of the email thread responding to Mr. Noah Robinson as Exhibit JJ.

14
15 **I hereby declare that the above statement is true to the best of my**
16 **knowledge and belief and that I understand that it is made for use as evidence**
17 **in court and is subject to penalty for perjury.**
18

19
20 Dated: July 9, 2013

21
22 
23 Linda K. Williams
24

25
26 Signed in Portland, Oregon
27

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
COUNTY OF WASHINGTON

BEAVERTON GRACE BIBLE
CHURCH, an Oregon non-profit
organization, and CHARLES O'NEAL,
an individual,

Plaintiffs,

v.

JULIE ANNE SMITH, HANNAH
SMITH, KATHY STEPHENS, JASON
STEPHENS, and MEAGHAN
VARELA, individuals,

Defendants.

Case No. C121174CV

DECLARATION OF
JULIE ANNE SMITH
IN SUPPORT OF AWARD OF
ATTORNEY'S FEES

I, Julie Anne Smith, do declare:

1. I am the same Julie Anne Smith who is one of the defendants in the above-captioned case and have previously filed a declaration herein.
2. Our family has one wage-earner outside the home, my husband. We have six children living at home, one who is an adult college student. We currently live in the Tri-Cities of Washington.
3. I have never previously been involved in any legal proceedings. When served with the subpoena in this suit, I asked friends, searched the internet, and tried to find attorney representation in Oregon.
4. I recall talking to about 5 or so Oregon law offices over the phone. Attorneys I contacted wanted retainers from \$5000 to \$10,000, others either were not prepared to undertake the representation or would do so only a for-fee basis and charge for the time spent evaluating the case regardless of whether they agreed to undertake my representation.
5. Coming up with a retainer and monthly payments for representation would have been a great hardship for my family.
6. One attorney who looked at the complaint encouraged me to find an attorney familiar with anti-SLAPP law in Oregon and internet research showed news accounts for Linda Williams and a "Twitter" defamation case.

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CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the foregoing:

X DECLARATION OF JULIE ANNE SMITH (dated, August 5, 2012)

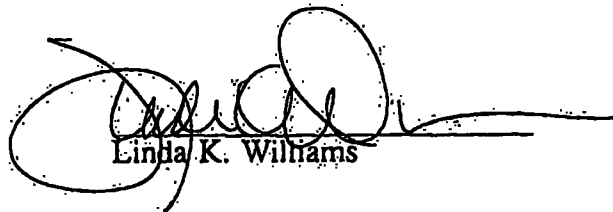
by depositing a true copy, first class postage prepaid, of each document in a sealed envelope in the US Mail at Portland, Oregon, this date addressed to

Jason Alexander
Sussman Shank, LLP
1000 SW Broadway Ste 1400
Portland, OR 97205

Erik S. Syverson
Miller Barondess, LLP
1999 Avenue of the Stars, Ste 1000
Los Angeles, CA 90067

Herbert G. Grey
Attorney
4800 SW Griffith Drive, Ste 320
Beaverton, OR 97005-8716

Dated: August 20, 2012


Linda K. Williams

17044410143

Subject: Re: Results of IPO Caucus Deliberations on Waiver of IPO Membership Requirement for 2012 Primary Candidates

From: Linda Williams <linda@lindawilliams.net>

Date: 6/26/2012 10:52 AM

To: Salvador Peralta <oregon.properties@yahoo.com>

CC: Noah Robinson, Independent Party of Oregon
<info@indparty.com>

Good morning, Noah. The Bylaws of the Independent Party of Oregon have included candidate requirements since first adopted and filed with the Secretary of State, Elections Division, in 2007. Consistent with the Party's policy allowing cross-nominations, the Bylaws have always allowed members to compete and also allowed waiver of the party membership requirement for "good cause." I can say this with certainty as I was primarily responsible for drafting the Bylaws.

In this cycle the elected 5-person Caucus considered all applications to compete for partisan offices by non-registrants. The criteria included, *inter alia*, (1) the candidate's completing and actually answering the questionnaire, (2) past support for party principles (potentially illustrated in a variety of ways) and (3) a variety of other factors. The Caucus made each decision upon majority vote, so there is not single "explanation" for any Caucus decision as it was the result aggregate result of a vote. We will not discuss Caucus deliberations or disclose the names of potential candidates who were not qualified.

The Republican and Democratic primaries do not allow any waiver of party registration. A person must have been a registered major party member for 180 days prior to conclusion of the filing period. We have endeavored to be more inclusive than that rigid standard.

Linda K. Williams, Attorney

10266 S.W. Lancaster Rd 320 S.W. Stark Street
Portland, OR 97219 Portland, OR 97204

linda@lindawilliams.net
503-293-0399 866-795-9415 (toll-free) fax

Salvador Peralta wrote:

Noah,

We have always had a membership requirement for candidates that could be waived for cause. In this cycle we did not offer this waiver to any candidate for federal office. I am confused as to why you are asking for an explanation. My understanding is that your campaign has already received an email from the nominating caucus telling you that your application was not approved and that explained the basis

of the caucus' decision.

Best regards,

Sal Peralta

From: Noah Robinson
To: Salvador Peralta <oregon.properties@yahoo.com>
Sent: Tuesday, June 26, 2012 8:55 AM
Subject: Re: Results of IPO Caucus Deliberations on Waiver of IPO Membership Requirement for 2012 Primary Candidates

Hi Sal,

I am wondering what the reason for excluding our race was. Your new procedure, regardless of calling it "waiving membership requirements" is obviously designed to allow you to decide who will run unless they are a party member (which only a few of the candidates are).

There must be some reason why your leadership excluded us. Your members seemed happy with us last time.

An explanation would be very much appreciated.

Excluding all federal races is going to look suspicious to a lot of people, because the CD4 race is the one that is most strongly contested. Since we won last year, it certainly looks like an effort to keep us off the ballot (excluding DeFazio too doesn't change this).

Any information you can provide to clarify this would help.

Noah

On 6/25/2012 10:12 PM, Salvador Peralta wrote:

What is there to discuss? No IPO member sought federal office, and the caucus did not waive membership requirements in any federal races this year.

From: Noah Robinson
To: Linda Williams <dan@meek.net>
Cc: Salvador Peralta <oregon.properties@yahoo.com>
Sent: Monday, June 25, 2012 8:55 PM
Subject: Re: Results of IPO Caucus Deliberations on Waiver of IPO Membership Requirement for 2012 Primary Candidates

Hi,

I am forwarding this e-mail to you for a third time.

We would appreciate a response. I do not think it speaks well of your party leadership

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that you are unwilling to answer our e-mails after preventing us from competing for your nomination.

In 2010, Art Robinson was selected by your party members for your nomination. We were looking forward to again competing for the nomination and are disappointed that you have chosen to block it.

If you think Art Robinson is unacceptable as a candidate for your party members, why are you obviously so worried about giving them a chance to decide?

Noah

On 6/20/2012 4:59 PM, Noah Robinson wrote:

Hi,

A copy of my earlier e-mail is enclosed below.

We would appreciate a response.

As things stand, we have been barred from participation in your primary without explanation, but clearly for reasons unrelated to the goals of your individual party members.

Noah

On 6/17/2012 8:37 AM, Noah Robinson wrote:

Hi,

Could you explain how you came to this decision in our case (Art Robinson for 4th Congressional District)?

Obviously your decision to exclude us is not based on the views of your individual party members, but rather that of the leadership. In 2010 we were accepted without any problems and my Dad (Art Robinson) went on to beat DeFazio in the primary election by a wide margin.

Preventing us from running in 2012, is obviously a decision to prevent us from being selected by your members again.

We were looking forward to again having the opportunity of participating in your primary process. I expect we would have again won your nomination if we were on your ballot.

I would very much appreciate a more detailed explanation.

Best Regards,

Noah

On 6/16/2012 8:31 PM, Linda Williams wrote:

Thank you for your interest in participating as a candidate for nomination in the Independent Party of Oregon (IPO) 2012 Primary Election. Regarding your application, the majority of the IPO Caucus did not waive the requirement in IPO Bylaws § V.C.(2) that a candidate for partisan office be a member of the Independent Party.

We will return to you the original uncashed check your campaign provided to us as a filing fee.

The decisions by IPO Caucus on waiving the IPO Bylaws § V.C.(2) requirement were based on a number of factors that included:

- whether answers to the Candidate Questionnaire showed fundamental disagreement with the IPO's platform, as affirmed by surveys of IPO members;
- each applicant's past support, or lack of support, of IPO and the issues it has pursued in the Oregon Legislature and elsewhere;
- whether approving the application would create a competitive race (favored) in the IPO Primary for the office sought.

The IPO Caucus approved the applications of every IPO member who completed the application process.

More information about the IPO 2012 Primary Election is available at the [IPO website](#).

Sincerely,

Linda Williams
Co-Chair, Independent Party of Oregon
503-293-0399
866-795-9415 fax